THE

Parliamentary Regiſter;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The moſt intereſting SPEECHES and MOTIONS; accurate Copies of the moſt remarkable LETTERS and PAPERS; of the moſt material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FOURTH SESSION of the FIFTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. XIII.

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THE

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE of COMMONS,

In the FOURTH and LAST SESSION of the

Fifteenth Parliament of GREAT BRITAIN,

Saturday, January 24, 1784.

AS soon as the Speaker had taken the chair, Mr. *Powys* informed the House that he intended to put a question to the Chancellor, as soon as he should appear in his place, the answer to which would determine him either to make or suppress a motion which he had drawn up relative to the present alarming situation of affairs. Mr Powys

In order to explain the reasons which induced the House to meet this day, it would be simply necessary to state, that after Mr. Pitt's bill had been rejected last night, several members, and among these, some of the greatest favourers of the present Administration, rose, and successively put several questions to the Chancellor of the Exchequer, relative to the dissolution of Parliament, which seemed to be a subject of apprehension and discontent to both sides of the House: but the right honourable gentleman refused, for a long time, to give any answer at all. At last he gave an answer; but it was thought so obscure or equivocal by the House, that it became the general opinion, the dissolution of the Parliament would be announced in that night's Gazette. This was a point which did not solely interest the mere partizans either of opposition or Administration: the independent gentlemen on both sides of the House took the

alarm, and joined in calling upon Mr. Pitt to give a decisive answer, whether the Parliament was to be dissolved or not. Nothing could conquer the Minister's resolution to be silent; and therefore, as every one was satisfied, from the Minister's silence, that a dissolution was resolved upon, the consternation that took place on this conviction might be more easily felt than described.

Mr. Sheridan had moved for the attendance (on this day) of some of the officers belonging to the Signet-Office, in order that some resolutions might be taken for the better preventing of the issuing of writs in such a manner as would give some candidates a preference over others. This motion was agreed to; and the temper of the House seemed to be such, that any resolution tending to throw a difficulty in the way of a dissolution, would have been carried by a great majority.

Mr. Fox, however, interposed, and requested that the House would give the Chancellor of the Exchequer time to recover from the ill humour into which the rejection of his bill might have plunged him; for that reason he very properly moved the question of adjournment, which was carried.

The House met this day at the usual hour; and, perhaps, since the beginning of the session, there never was a more numerous attendance. As soon as Mr. Pitt had taken his place,

Mr. Powys. Mr. *Powys* rose: his emotion was such, that he absolutely shed tears while he was speaking. He said, that the scene of confusion, to which he had been last night a witness, had so haunted his mind, that it had never been a moment absent from it since. He had been ever since filled with the melancholy idea of the fatal consequences that might be apprehended from the temper and disposition which seemed to prevail in the House. He returned his sincere thanks to the right honourable gentleman (Mr. Fox) for having interposed his influence on the House, to prevent them from proceeding to any resolutions in the temper of mind in which they appeared when they broke up last night. He also returned his sincere thanks to all those members who used their best endeavours to keep the House from proceeding to any business at a moment when the members appeared to be too much agitated to debate with temper: he declared that in what he wished at this moment to say, he was not at all influenced by any previous concert with the right honourable member at the head of

Ld. George Germain.

Lord *George Germain* roſe, and addreſſing himſelf to Mr. Hatſell, ſaid the buſineſs firſt to be proceeded upon, was that which his Majeſty had been pleaſed to direct, which was the choice of a ſpeaker. His Lordſhip then deſcanted for a ſhort time on the duties of a ſpeaker, and the neceſſary qualifications for executing the office. He ſaid, to be capable of filling the chair with dignity, the perſon propoſed muſt underſtand the conſtitution of the ſtate, be well acquainted with the law of

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Mr. Sacheverel. Mr. *Sacheverel* ſaid it was never known that a perſon ſhould be excepted againſt, and no reaſon given. It is done to gratify ſome particular perſon.

Mr. Williams. Mr. *Williams*. This ſeems to be a queſtion of *right*. For above an hundred years paſt it has not been known that any ſpeaker was ever excepted againſt. The thing itſelf of preſenting him to the King is but a bare compliment. If we ſuffer this, we ſhall be put upon daily.

Sir Thomas Clarges. Sir *Thomas Clarges*. There were parliaments long before there were ſpeakers choſen; and afterwards, for the caſe of the Houſe, among themſelves they pitched upon a ſpeaker.

Mr. Garraway. Mr. *Garraway*. If you admit this, you would admit any thing! If Mr. Seymour be rejected from being ſpeaker, pray who muſt chuſe the ſpeaker, the King or us? It is plain, not us.

Sir Thomas Lee. Sir *Thomas Lee*. To except againſt a ſpeaker without giving a reaſon, is to do a thing that may ſet us together by the ears; and then they [meaning thoſe who adviſed the King to reject the ſpeaker] have their deſigned end. But I ſhall not conſent to part with the leaſt right that belongs to my country, for which I am choſen a repreſentative.

Col. Birch. Colonel *Birch*. He that adviſed this, will readily adviſe more, I'll warrant you.

Mr. Powle. Mr. *Powle*. This ill advice muſt proceed from ſome who are too near the King. But I hope there is not a man here fearful of ſpeaking his mind freely, in favour of thoſe whom he repreſents, nor yet afraid of being diſſolved, if it be to-morrow, for maintaining the right of thoſe who chuſe us to ſit here for them.

The Houſe adjourned till next day, and preſented a repreſentation to the King, ſetting forth their right to a free election of a ſpeaker, and hoped his Majeſty would accept of the choice they had before made. The King anſwered, "All this is but loſs of time; and "therefore I deſire you to go back again, and do as I have directed "you." They preſented a ſecond addreſs, ſhorter but ſharper than the firſt. Upon reading this addreſs, the King ſaid, "Gentlemen, I "will ſend you an anſwer to-morrow." Accordingly, as he had often done before upon great difficulties, he reſolved to put an end to the diſpute; and on the next morning, Thurſday the 13th of March, he came to the Houſe of Peers, and prorogued the Parliament until the Saturday following. Thus ended the firſt ſeſſion of the new parliament; and thus the King found a way to gain his point: for on the 15th of March, being the firſt day of the ſecond ſeſſion, William Gregory, eſq. ſerjeant at law, was choſen ſpeaker.

the land, and, above all, be perfectly master of the law of parliament. He must have a zealous attachment to the rights and privileges of the Commons of England, and a sufficient degree of ability and integrity to support, maintain, and defend them; he must be diligent without being precipitate, and firm and decisive without being arbitrary or rash; and that, which he considered as a speaker's most important duty, was his conducting himself with the strictest impartiality on every occasion.

The late worthy speaker, his Lordship remarked, had, for nearly two Parliaments, gone through the duties of his high office, with great honour, great diligence, and great dignity; the office, he said, was a very laborious one, and required full health and vigour; the right honourable gentleman who last filled the chair, when he was first elected to that high situation, was in possession of every qualification both of body and mind, which the duties of the office called for; but the House had, unhappily for the right honourable gentleman, and unhappily for the public, been witnesses in the course of the very last session, that the right honourable gentleman's constitution was much impaired. It would, therefore, neither be decent in him, nor would it become the House, to shew so little gratitude and respect to the right honourable gentleman for his many and acknowledged services, were he to propose, or they to adopt the proposition for putting that gentleman again into a situation, the fatigues of which were too heavy a burthen to be imposed on him, considering his precarious state of health. For that reason, and from that consideration only, it was that he had turned his mind to another gentleman, and meant to conclude what he had to say with a motion, proposing that gentleman to fill the chair. His Lordship trusted that when he named Mr. Cornwall, all those who had sat in former Parliaments would think he named a gentleman possessed of those qualifications which were requisite for the due execution of the duties of the chair. Mr. Cornwall, before he came into that House, had done his country essential service, and acquired great personal honour by the very able and active share he took in the adjustment of some public accounts, submitted to the investigation of certain persons commissioned for that purpose: Mr. Cornwall had also sat several years in Parliament, was well acquainted with the law of the land, the law of Parliament, and all the forms, orders, and rules of proceeding peculiar to that House; he therefore flattered himself that it would not be thought, that he made an improper motion, or a motion likely to challenge much objection when he moved, "That Mr. Cornwall be elected Speaker."

Right

Right Hon. *Welbore Ellis* rose to second the motion, and said, that although the noble Lord by so fully stating to the House the duties of the office, the qualifications requisite for the person chosen to fill the chair, and the praises due to the late worthy speaker, had left him little to say, he could not consistent with his respect to that right honourable gentleman, his duty to the House, and his regard for the gentleman who made the subject of the motion, content himself with merely seconding the motion. Mr. Ellis, after this exordium, went into a discussion of the subject, under the three heads of, the nature and importance of the office itself, the compliments and thanks merited by Sir Fletcher Norton for his able discharge of it, while he held it, and the reasons for expecting that Mr. Cornwall would prove capable of filling it to the satisfaction of the House and to his own honour. With regard to the first, he said it was an office of considerable dignity, and of great emolument; that the duties of it were laborious, and he that filled it must expect to be in some degree a sufferer, in proportion to the good the House and the public derived from the exercise of his talents and the constant employment of his mind. This sort of exchange of health and honour, he observed, no elevated situation was free from, and therefore, though he sincerely lamented, that the late speaker should last session have had occasion to complain of the impression made upon his constitution by the fatigues of his situation, he could not but own, he considered it as a natural consequence, and as it was a proof that his country was the more indebted to the honourable gentleman for his services, he thought it necessary, now an opportunity offered, to afford him the relief the House had in its power, by choosing another speaker. Considering the very critical situation of public affairs, he said, there would undoubtedly be many debates in that House, and possibly there might arise much contention; the person to be elected speaker, ought therefore, exclusive of a competent share of knowledge of the common law, and the law of parliament, to possess temper to allay heats, prudence to prevent irregularities, and spirit and firmness to repress the rising storms of passion and contest. With this view it was that he looked upon Mr. Cornwall as a proper successor to Sir Fletcher Norton; nor could he give that gentleman better advice than to let the conduct of the late speaker be his model, if the House should honour him so far as to seat him in the chair.

Right Hon. *Welb. Ellis*

Mr. *Dunning* expressed his astonishment, that the noble Lord near him [He sat on the treasury bench, next but one to Lord North.] had not risen, and saved him the trouble of proposing the late speaker to continue in the chair. He was, he

Mr. *Dunning*.

he said, exceedingly surprized, on coming down to the House, to hear that it was generally understood within those walls, that Mr. Cornwall was to be speaker. There was no gentleman for whom he had a higher regard, nor for whose abilities he had more respect; and if the chair had been in the fair and ordinary sense of the word, vacant, the proposition of Mr. Cornewall (as that gentleman, he trusted, well knew) would not have met with the smallest objection from him; on the contrary, he would readily have given it his support, such as it was; but at a time, when, in fact and truth, there was no vacancy, when Sir Fletcher Norton, the late speaker, was in the House, and to all appearance as capable of executing the duties of the office, as much to the satisfaction of the House, and as much to the honour of himself as ever, and no man could execute the duties of it more satisfactorily nor more honourably, it struck him as the most singular of all measures, to confess, as the noble Lord who made the motion, and the honourable gentleman who seconded it, had done, that the late speaker was the properest and most able of all persons to fill the chair with dignity, and in the very moment of making that confession, for the noble Lord and the honourable gentleman to propose another candidate. He had expected, when the bad health of Sir Fletcher Norton was talked of, and urged as a ground for not continuing him in the chair, that either the noble Lord, or the honourable gentleman who spoke last, would have stated to the House that Sir Fletcher Norton had formerly applied to them, declaring his desire to resign the chair, and assigning as a reason for his so doing, that his health was in that impaired state, in which the noble Lord and the honourable gentleman had both declared it to be, although every man in the House could see, that if appearances were to be relied on, or if assurances were to be believed, Sir Fletcher Norton was as well, as fully in health, and as fully capable of going through the duties of the office, as ever he had been since he was first chosen to fill the chair, which had received so much dignity from its being occupied by a person perhaps qualified to fill it, more to the general satisfaction, with more accomodation to the business of Parliament, and more to his own honour, than any other member of that House. Mr. Dunning mentioned the happiness he had experienced in a long and intimate acquaintance with Sir Fletcher, and spoke of his character in terms of the warmest eulogy. He concluded his speech with moving, "that Sir Fletcher Norton be continued speaker."

Right Hon. T. Townshend and Sir Fletcher Norton rose together, but the former continuing on his legs, he was heard first.

Mr. *Townshend* began with apologizing for the seeming rudeness of his conduct in persevering in his endeavours to be heard before Sir Fletcher Norton, declaring that as he meant to second the motion just made by his honourable and learned friend, he thought it more regular to do it, previous to the right honourable gentleman's dropping any thing on the subject, than afterwards. He then warmly expostulated with the noble Lord who made the first motion, on the singularity of it, and objected to Mr. Cornwall, as an improper person to fill the chair, were there any vacancy. He said he was, on the first view of the question then to be discussed, somewhat distressed for fear it might be considered as a personal one, and that, in consequence, any thing he might wish to offer, should be attributed to views very foreign from those with which he looked at the subject, and be deemed personal. He was happy, however, to find, that it would not be so considered, and as he meant to give no personal offence to any one, and least of all to the gentleman who was made the object of the motion offered by the noble Lord, he would according to his custom speak out plainly and unreservedly. It had in former times, he observed, been always customary to see the chair of the House of Commons filled by men who were independent, and men who represented either a large county, or some neighbouring borough. Mr. Onslow was no placeman. Mr. Cornwall held an office under the crown, disposable at the pleasure of the Crown, and Mr. Cornwall was the representative of one of the Cinque Ports. The Cinque Ports, he was free to own, had as much right to have their member speaker of the House of Commons, as any other place which sent members, but he could not disguise his feelings, and must own he wished the person chosen speaker, was not a member for one of the Cinque Ports. The Cinque Ports, as the late elections had shewn, were not allowed a free choice of their representatives; these were objections which might appear slight and trivial to other men, but they struck him very forcibly. The office of speaker ought to be filled by a person free from all influence of the Crown. It was the first duty of the speaker to guard the rights and privileges of the people, against the increased and increasing influence of the Crown. Was Mr. Cornwall, a placeman at pleasure, a pensioner, and a representative of one of the Cinque Ports, a fit guardian for the privileges of the people? And after all, why was there to be a new speaker? It was confessed, even by those who proposed Mr. Cornwall, that no man could discharge the duties of the chair more satisfactorily, or with more dignity than Sir Fletcher Norton. Why then

Mr. Townshend.

change him, and appoint a successor? The noble Lord and the honourable gentleman who seconded the motion, had both talked of his ill state of health, and the latter had been particularly diffuse in his praise; Good God! if Sir Fletcher Norton was so worthy, why dismiss him from the chair? But there was another reason, a reason, which neither the noble Lord, nor the honourable gentleman, though they had both of them expressed their wish, that every speaker should discharge his duty with impartiality, had thought proper to hint at. This lurking reason originated in Sir Fletcher Norton's having exercised that very impartiality, which was so much enforced both by the noble motion-maker and the person who seconded it, it was this: Sir Fletcher Norton had made a speech on a memorable occasion, which did him the highest honour; a speech, which proved his impartiality, as a speaker, his zeal for his country, his feeling for the national distresses under which Great Britain laboured. That was the reason, that was the cause of the present attempt to disgrace and insult the late speaker; and as it was unmanly and illiberal, he trusted every member, young and old, those who sat in the old Parliament, and those who were newly chosen, would feel properly on the occasion, and join with him in supporting the motion of his honourable and learned friend, which he begged leave to second.

Sir Fletcher Norton. Sir *Fletcher Norton* said, he had risen before, in order to save the House trouble, and tell them that he had come down with his mind made up to the business of the day, and with a full resolution not to go into the chair again on any consideration. When he was first chosen speaker, he said, he brought into the chair a hale constitution, and such poor abilities, as heaven had been pleased to bestow upon him, were in their fullest vigour. The very great and increased duties of the office, had, as the House must have witnessed, impaired his constitution materially, and he feared, had weakened his intellects; his advanced years, as might naturally be supposed not enabling him to resist the force of his disorder, but rather giving way to it. As a proof of what he had said, the public business had, he observed, in the course of the last session, been twice interrupted, solely on the account of his infirmities; he had then intimated a desire to resign, and his family knew that had the Parliament sat another sessions, it was his resolution to ask leave of the House to quit the chair, and resign it to some more healthy successor. He therefore thanked his honourable and learned friend, for the high opinion he entertained of him, and for the motion he had made to reinstate him, but he must beg leave to decline acceding to that proposition.

position. If he was so happy as to be honoured with an election, his returning to the chair would appear strange to the public; it would be asked, why a man, confessedly too infirm for the office, would undertake it? and some persons perhaps would be ill-natured enough to say, that he was ready to receive the emoluments, though not equal to the discharge of the duties of the place. Under these circumstances he must repeat, that it was his determination to decline all thoughts of it, and to assure the House, that though he had sat in the chair for nearly two Parliaments, and though his health was very greatly impaired, in consequence of the fatigue of public business, his fortune was not bettered. He was happy in seeing so many members of the late Parliament present, and took that opportunity of returning his most grateful thanks for all their goodness to him, the impression of which was his chief happiness, and could never be erased from his mind. He begged leave also to thank the noble Lord who made the motion for the election of a new speaker, and his honourable friend (if he would allow him to call him so) who seconded it, for the many handsome things they had said of him; but he should be an ideot indeed, if he could possibly imagine he merited such compliments, or that his state of health, of which none of the King's ministers had ever received the smallest intimation from him, was the real cause of their moving for a new speaker, without saying a word upon the subject previously to him. Every man, he was sure, who had the least pretensions to understanding, went before him in feeling, that a consideration of his state of health was not the true motive for the present measure. In the course of the last session, when his ill health obliged him to put a temporary stop to the public business, he had, contrary to the advice of his physicians, and at the peril of his life, come down to that House in order to dispatch the affairs then under consideration. He had, when almost overwhelmed with infirmity, struggled hard to forward the business of Parliament, and he had done so at the particular instance of those, who now moved to have another gentleman appointed speaker. This, he said, was usage he did not expect, and he thought he had a right to other and very different treatment. With regard to the gentleman who was the object of the noble Lord's motion, no man thought more highly of his integrity and his abilities than he did; he sincerely hoped neither the abilities of the honourable gentleman, nor his qualifications to fill the chair, might be mentioned in comparison with such abilities and

ſuch qualifications, as nature had beſtowed upon him, becauſe, if they were, he was confident, he ſhould be a conſiderable ſufferer. He approved of that gentleman fully, but as the Houſe muſt be before-hand with him in ſeeing through the fallacy of the reaſons ſtated by the noble Lord, as the grounds of the motion, and as it was an inſult to the underſtanding of every gentleman preſent, to pretend, that an anxiety for his health was the real cauſe, for moving that another ſpeaker might be choſen, he called upon the noble Lord and upon his honourable friend to tell him, why he was thus diſgracefully diſmiſſed? If his conduct in the chair had been objectionable, if it had been criminal, let the criminality be fully known, and let exemplary puniſhment follow, if there could be any puniſhment more ſevere than public diſgrace. He ſhould be content, when the fact was undiſguiſedly acknowledged, and his offence publicly urged; and he could not but think, he had a claim upon the noble Lord and his honourable friend, for this explanation; an explanation which he preſſed for the more earneſtly, becauſe he did aſſure the Houſe, upon his honour, that though he had been in town three days, he had never been aſked whether his health would enable him to continue in the chair (ſhould the Houſe approve of his continuing there) nor had he been applied to, either directly or indirectly on the ſubject of chooſing a new ſpeaker.

Mr. Fox. Mr. *Fox* ſtrongly arraigned the miniſtry for having made it a ſyſtem, during their continuance in office, to diſgrace every dignified character in the kingdom, and eſpecially to inſult and vilify thoſe men whoſe conduct the Houſe of Commons approved. He gave as inſtances, the treatment of his honourable relation [Admiral Keppel] and the treatment of the late ſpeaker. He paid Sir Fletcher Norton the higheſt compliments, and ſaid, the real and the pretended cauſe for removing him from the chair, reminded him of a former debate in the laſt Parliament, when a noble Lord had mentioned, that the German ſtates, in their treaties and public acts, always made a diſtinction between the *ratio ſuaſoria* and the *ratio juſtifica*. In the preſent caſe, the *ratio ſuaſoria* was an obvious fallacy, and the *ratio juſtifica* the worſt that could poſſibly be urged. The noble Lord who made the motion had filled his ſpeech with empty compliments on Sir Fletcher Norton, and after aſſerting that he was the ableſt man the Houſe could chooſe to ſit in the chair, had concluded his addreſs with moving, that another gentleman might be elected to fill it; and the honourable gentleman who ſeconded the motion,

motion, had recommended it to the gentleman moved for, as Sir Fletcher Norton's successor, to copy the example of Sir Fletcher Norton, telling him in the most plain, positive, and direct terms, that his only chance of making a good speaker, rested on his implicitly following the model of Sir Fletcher Norton. "Good God! said Mr. Fox, what pitiful shifts, what shallow arguments are the present ministry reduced to, when they come down to the House of Commons, and tell us that our late speaker is the ablest man in the world, the fittest to fill the chair, and in the same breath, beg us to choose another gentleman, speaker! And why? Not because it is pretended that Mr. Cornwall is superior in ability to Sir Fletcher Norton, it is not even said that he is equal, but because, if he copies Sir Fletcher Norton's conduct, he may possibly discharge the duties of the chair with satisfaction to the House, and credit to himself! Would any other set of men in this or any other kingdom, grasp at a copy, merely because it may prove a tolerable one, when they can have the original? Sir Fletcher Norton, from any thing he has said this day, does not apppear unqualified to take the chair; he is in good health now, and when, unhappily for his family and the public, he feels a relapse, it will then be sufficiently early to talk of a successor. Certainly to appoint one at this period, and under these circumstances, is not without a precedent, but it is extremely unusual, and therefore becomes singular. What will people without doors think? What will the world say? Will they not take this measure as an ill omen, as a bad beginning of the new Parliament? Will they not see, that all the noble Lord in the blue ribbon said last year, on the subject of the late speaker's health, all his pathos, all his expressions of tenderness, which every body at that time, the greatest part of the House however, sincerely sympathized in, were nothing but empty words, compliments without meaning and professions without foundation! Will they not say, that the true cause of such unparalleled ill treatment, is that speech alluded to by my honourable friend? a speech which did Sir Fletcher Norton the highest honour, and which was a noble and manly proof of his true regard for his country, and his feeling for her distresses. I desire, if I am in order, that the clerk may read the thanks of the House to the speaker, which were almost unanimously resolved on that occasion, and they will see the baseness of this attempt to disgrace a man whom the House has honoured. Let them add to the impression, the present conduct of ministers. Sir Fletcher Norton feels himself insulted; he complains of the insult,

 and

and he demands, honestly demands to know the cause! Do ministers answer him? Does the noble Lord in the blue ribbon speak out, and fairly avow the cause of his removal? No. He shifts his head in some sort out of the collar, he gets a colleague to make the motion for the dismission of a man, who had rendered himself offensive to him, because he nobly and manfully stood up for the people, and declared what afterwards appeared to be the sense of the House of Commons, "that the influence of the crown had increased, "was increasing, and ought to be diminished;" and when he now appeals to the minister to avow his offence, and state the part of his conduct, which had induced this attempt to disgrace him, the noble Lord takes refuge in a cowardly silence. Mr. Fox continued speaking some time longer with his usual asperity and ability.

Mr. Hatsell. Mr. *Hatsell* then read from the Journals the entry of the 9th of May 1777, containing the thanks of the House to the Speaker, for his speech to the King from the bar of the House of Lords, on his Majesty's giving his royal assent to the bill for the better support of his Majesty's household.

Mr. Byng. Mr. *Byng* in a short speech condemned the motion made by the noble Lord, as an insult to the late speaker, and complained of the last parliament's having been dissolved but two days after Sir Fletcher Norton set out for Yorkshire, without the least previous intimation being given to him of any such design; though he was the representative of a borough so near town as Guildford. He also mentioned the rudeness of the Minister's telling all his friends who attended at the place called the Cockpit, of the intention of moving, that Mr. Cornwall might be elected speaker, without giving the smallest intimation of such an intention to Sir Fletcher Norton.

Mr. Cornwall. Mr. *Cornwall* said, that if the House thought proper to elect him to the chair, he should exert his endeavours to give them satisfaction; but that he could not bring himself to think it would be in his power to come near the partial expectations of the noble Lord who made the motion, the honourable gentleman who seconded it, or his learned friends. He concluded with observing, that with regard to the subject under discussion, it would be improper for him to say a syllable upon it; he should therefore sit down, submitting the whole business to the wisdom and judgment of the House.

After a momentary pause,

Sir Fletcher Norton. Sir *Fletcher* rose again, and declared, if any thing could induce him to accept the chair again—he begged pardon for the

the expreſſion—to aſpire to it, it would be the contempt with which he was treated! He thought he had a right to an explanation from the noble Lord who made the motion, or from the honourable gentleman who ſeconded it. If it was his conduct laſt ſeſſion that had rendered him obnoxious, let them ſay ſo, and he ſhould be content. He never would ſpeak in that Houſe, but as he thought; and, as he was conſcious that every man muſt abide by the conſequences of his conduct, he cared not what iſſue followed his conduct, but he ſurely had a right to complain of ſuch uſage, and if neither the noble Lord nor the honourable gentleman would favour him with the explanation, he called for, he ſhould leave the whole to the judgment of the Houſe, who, he was ſure would put a true conſtruction upon the treatment he had received, and the ſilence of miniſters reſpecting it.

Mr. *Ellis* declared, that he conceived every member had an undoubted right to vote for a new ſpeaker as he thought proper; that he had no intention either to inſult or diſgrace Sir Fletcher Norton, of whom he had before ſpoken his ſincere opinion, but that the public good was the great director of his vote, and he did not think, after the alarming ſtate of the late ſpeaker's health laſt ſeſſion, that it was either reſpectful to him, or conſiſtent with the public good, to put him again in the chair; but that it was better to chooſe a ſpeaker of freſher health, and who, from his time of life, had more vigour, and was better able to encounter and ſuſtain the fatigues of the office. Mr. *Ellis*.

Lord *Mahon* ſaid, poſſibly it might be ſuppoſed that no perſon who had not been a member of the laſt Parliament, was qualified to ſpeak to the queſtion; but though he was newly come within thoſe walls, he could not conſent to give a ſilent vote on the preſent occaſion. His duty to his country and his own feelings forbade it. His Lordſhip then made an energetic eulogium on the virtues and the integrity of Sir Fletcher Norton, adviſing the noble Lord who made the motion, to leave the late ſpeaker's health to the late ſpeaker's own care, and delaring that he would oppoſe the motion, if there were no other reaſon for his doing ſo, merely becauſe it was made by a member of adminiſtration; that adminiſtration, whoſe baleful meaſures had loaded their country with diſgrace and diſtreſs, had abridged the inheritance of the Prince of Wales, and entailed ruin on the houſe of Hanover! Before his Lordſhip ſate down, he menaced the treaſury bench with a threat to oppoſe every meaſure they ſuggeſted. Lord *Mahon*

Mr. Rigby. Mr. *Rigby* ſaid, he not riſe to advert to any thing let fall by the noble Lord who ſpoke laſt, becauſe the queſtion was not now, how to diſpoſe of the miniſtry; when the miniſtry were to be pulled down, and that was the conſideration of the Houſe, he did not doubt but the noble Lord would aſſiſt in the work, as indeed he was bound in honour to do. Nor did he riſe to talk of the late ſpeaker's good or ill health, as neither the one nor the other was, as far as he ſaw, a part of the preſent queſtion. The Houſe had a motion before them for the election of a ſpeaker, to which office the motion recommended Mr. Cornwall, and to that motion he meant to ſpeak. This he ſaid was the very firſt debate in which he had heard it aſſerted, that there was any thing of inſult, diſgrace, or contempt to any man, in appointing a ſpeaker, or that any gentleman was either to be called on, or expected to ſtate his reaſons why he recommended, or why he voted for this or that particular candidate. He had always underſtood that when a new Parliament was ſummoned, every individual member had a right to give his vote as he pleaſed for a new ſpeaker, and he defied the moſt learned in the law to prove, that it was any part of the conſtitutional law of Parliament, that when a member was once elected to the chair of the Houſe, he was to ſit there juſt as long as he pleaſed, unleſs ſome charge of criminality could be made out againſt him. He had ſat in that Houſe a great many years, having been ſent to Parliament when he was only twenty-two years of age, and he had ſeen ſeveral ſpeakers choſen, but never before heard ſuch doctrines broached, as he had heard that day. With regard to the vote of thanks to Sir Fletcher Norton, read from the Journals of 1777, he had at that time expreſſed his diſapprobation of it, and of the ſpeech which occaſioned it; he thought then that the ſpeaker went too far, that he was not warranted to make ſuch an addreſs to the throne, and that it was flying in the King's face, and he thought the ſame now. [*A cry, to Order, to Order!*] He inſiſted upon it, he was not diſorderly in what he had ſaid, he had a right to ſpeak of the laſt Parliament. He could not, he ſaid, but remark the particular epoch, when the late ſpeaker became the great favourite of thoſe who were this day ſo loud in his praiſe. It had been hinted at by a learned gentleman near him [Mr. Dunning] and more directly alluded to by his honourable friend oppoſite [Mr. Fox]. The epoch was no other than the period at which the late ſpeaker joined thoſe gentlemen, and voted, as they termed it, with the Houſe of Commons. Let the gentlemen remember,

remember, however, that towards the close of the last session, the House of Commons altered its opinion and its decisions. A great deal had been said about the conduct of Sir Fletcher Norton, while speaker; perhaps he did not perfectly coincide in all that had been urged on that topic; and for this, and other reasons, not fit to be given in that House, was disposed to support the nomination of Mr. Cornwall, for whom he should certainly vote. He observed, that only two matters were urged against the appointment of Mr. Cornwall as objections, and those were, his representing a Cinque Port, and his being a placeman. With regard to the latter, an honourable friend of his had mentioned Mr. Onslow, but he had forgot that Mr. Onslow was for some years Treasurer of the Navy, a much better place than that held by Mr. Cornwall, and therefore more desirable! Why Mr. Onslow lost that place, was a matter which his honourable friend would, perhaps, rather talk over with him in private. As to Mr. Cornwall's representing a Cinque Port, that was to him a very extraordinary objection indeed, and he believed it was the first time it had ever been brought forward in the shape of an objection. He had always understood that there was no local representation within those walls, and that gentlemen were to consider themselves in a different light while they were in the House. He, for instance, was chosen for the town of Tavistock, but while he was then speaking, he considered himself as the representative of the people of England, and this idea, he had always understood to be the true constitutional idea of the House of Commons. In this view therefore the baron of a Cinque Port, and the member for Old Sarum, was either of them as eligible to the chair as the member for the county of York. Grantham was the place which sent Sir John Cust to Parliament, but it was never talked of as a plea of eligibility or ineligibility, when Sir John Cust was recommended to the chair. Why then start the objection now? The conduct of Sir Fletcher Norton had been loudly applauded, and yet it might not strike every gentleman as it did those who had been so lavish in delivering its eulogy. One part of his conduct had often appeared to him extremely wrong, and that was, his relaxation of the rules of proceeding with the ordinary business of the House, and his want of strictness in observing order, and keeping gentlemen within due bounds. This he had spoken of to the late speaker more than once, and he hoped it would be a main object of Mr. Cornwall's attention to restore Parliament to its dignity, by restoring a strict obser-

vance

vance of all the forms of the Houſe. He remembered Mr. Onſlow was remarkable for an oppoſite conduct, and was ſaid to have too much buckram in his manner, (to uſe a familiar phraſe). The younger part of the Houſe complained, that he carried matters with rather too high a hand; the fact however, was, the Houſe had then more dignity, its proceedings were more grave and ſolemn, and people without doors treated it more reſpectfully, than they had done ſince Sir Fletcher Norton had filled the chair. He did not mean this as a ſevere cenſure on the late Speaker, nor did he mean to ſet up his underſtanding in competition with that of Sir Flether Norton; he ſhould be a fool to attempt it; he only mentioned it, becauſe he thought, though Mr. Onſlow might be too pompous, the extreme oppoſite line of conduct was infinitely more liable to be attended with bad conſequences. Sir Fletcher Norton's relaxation in the points he had mentioned, he was aware was aſcribable to that large ſhare of good humour and good nature, which all who knew him, knew he was poſſeſſed of, and to his having a more elevated turn of mind, than could deſcend to the obſervation of ſuch *minutiæ*.

Much had been thrown out about the influence of the crown, and the ſecret reaſons for moving to elect a new ſpeaker. To him, who was an old member of that Houſe, all that had been ſaid on that head made not the ſmalleſt impreſſion. It might have its effect on younger men, and thoſe who had juſt entered thoſe walls, but he had ſo often heard the ſame ſort of language from different ſets of men on different occaſions, that it was thrown away upon him, and as to the mighty ſecret, the true cauſe of moving for a new ſpeaker by one ſide of the Houſe, and ſupporting the old ſpeaker by the other, it was reducible to a very ſimple fact, and when put into plain Engliſh, and ſtripped of the dreſs of eloquence, and the ornaments of oratory, was no more than this: "We'll vote "for you, if you'll be for us." As to the idea of places and placemen, that language would never be held, while parties continued, but he ſhould hear it with great indifference, till he was told that no perſons were ſeeking for places. He voted for miniſtry, and ſo did others, becauſe he and they thought well of them, at leaſt they knew not where to look for better men to put into their ſituations; but whenever an adminiſtration could be found out, capable of reſtoring unanimity to the country, he for one, would moſt chearfully give up his place to the ſupport of ſuch an adminiſtration.

Mr.

Mr. *Fox* ſaid, that ſide of the Houſe did not call the honourable gentleman to order for ſpeaking of the laſt Parliament, but for uſing the King's name; that he hoped the young members would now ſee, that what the newſpapers and the country ſaid, was true, that the King's name was, on every occaſion, uſed as a ſhelter and a ſcreen for miniſters. With regard to the laſt Parliament, moſt certainly, he, for one, was diſpoſed to ſpeak worſe of it than the honourable gentleman probably would do; he held it in deteſtation, and he hoped every man in England would do the ſame. Mr. Fox dwelt for ſome time on the King's name being brought foreward on all occaſions, indecently, and ſaid, it was now ſo hackneyed, that it was heard of at elections. Having purſued this idea, he very ingeniouſly turned what Mr. Rigby had ſaid reſpecting Sir Fletcher Norton's having too elevated a mind to attend to the *minutiæ* of parliamentary buſineſs, againſt Mr. Cornwall, arguing that the honourable gentleman had recommended Mr. Cornwall to the Houſe, becauſe he was inferior in underſtanding to the laſt ſpeaker. Mr. Fox.

Sir *Edward Aſtley* ſaid, he ſhould vote for the late ſpeaker, beeauſe he had acquitted himſelf in the moſt fair and impartial manner. Sir Edward Aſtley.

The Houſe divided,

For Lord George Germain's motion	203
For Mr. Dunning's motion	134

November 1.

The King about two o'clock went to the Houſe of Peers, and being ſeated on the throne, the Commons were ſent for. When they came up to the bar, Mr. Cornwall, their new elected ſpeaker, addreſſed the throne in a ſhort ſpeech, in which he ſaid, that, in conſequence of his Majſty's royal indulgence, the Commons had proceeded to the exerciſe of their ancient and undoubted right, the election of a ſpeaker; that their choice had fallen upon him. He could not refrain from expreſſing the apprehenſions of his mind, that his abilities were not adequate to the diſcharge of that weighty and important truſt; and therefore he muſt intreat his Majeſty, that he would give his commands to the Commons to proceed to another election.

The Lord *Chancellor* ſaid, he had received the commands of his Majeſty, to expreſs the confidence which his Majeſty had of his abilities, knowledge and integrity. He highly approved of the able choice of a ſpeaker which the Commons had Lord Chancellor.

made; and it was his Majesty's pleasure that he should take upon him the high and important trust.

Mr. Cornwall. Mr. *Cornwall* then, in an humble manner, declared, that the best manner which he conceived he could take to make his acknowledgments of the high sense which he had of the honour which his Majesty had been pleased to confer upon him, by the confidence and approbation expressed by his Chancellor, would be the most zealous and steady exertion of his abilities, weak as they were, and the truest integrity of heart, in the discharge of the employment.

He must intreat for himself, that his Majesty would be pleased to put the most favourable construction on all his words and actions, and honour him with his royal forgiveness for the frailties and errors of his nature. And he must claim for the House of Commons, in which he was to preside, the continuance of all their ancient rights, privileges and immunities; particularly, that the persons of the members, their estates, and servants, should be free from arrest and molestation; that they should enjoy freedom of debate; and have ready access to his Majesty's person.

Lord Chancellor. The Lord *Chancellor* replied, that he was commanded by his Majesty to declare, that tho' he has small occasion to request the royal indulgence on account of his abilities, yet his Majesty gave him his royal assurance of the most favourable interpretation of his conduct; that his Majesty likewise gave his assurance to preserve and confirm, in the most full and ample manner, all the ancient privileges, rights and immunities of the House of Commons; and particularly, that the persons of the members, their estates and servants, should be free from arrest and molestation; that they should enjoy protection and freedom of speech in their debates; that they should have free access to his person; and that he should always put the most favourable construction on all their proceedings.

This business being finished, his Majesty delivered his speech from the throne to both Houses.

After which the Commons returned to their own House, the mace being carried before the speaker (which it had not been before); and the members took their places. The speaker said to the House, that his Majesty had been pleased to approve of their choice of him as their speaker, and that he had laid claim by petition to all the ancient privileges, rights and immunities of the House, particularly, that the persons of the members, their estates, and servants, should be free from arrest and molestation; that they should enjoy freedom

freedom of debate, and have free accefs to his Majefty: He declared that his Majefty had been gracioufly pleafed to confirm and continue all their privileges, rights and immunities, in as full and ample a manner, as ever were granted in any time heretofore.

The *Speaker* now faid, he muft again intreat them to accept of his warm thanks for the diftinguifhed confidence which they had repofed in him, and the honour they had conferred in placing him in that chair. He could only add to his former declarations, that the only hope which he had of fucceeding in his arduous fituation, was in the affiftance which he trufted he fhould receive from every member of the Houfe; and he would affure them that zeal, attention, and affiduity, fhould not be wanting to make up for the weaknefs and inadequacy of his talents. Mr. Cornwall.

Mr. fpeaker alone, and then the other members prefent, took the oaths, and made and fubfcribed the declaration, and took and fubfcribed the oath of abjuration, according to the laws made for thofe purpofes; and Mr. fpeaker, and fuch of the faid members as are by law required to deliver in to the Clerk of this Houfe an account of their qualification, and to take and fubfcribe the oath of qualification, delivered in fuch account, and took and fubfcribed the faid oath, accordingly. And then the Houfe adjourned till the next morning.

November 2.

Several other members prefent took the oaths, and delivered in to the Clerk of the Houfe an account of their qualification. And then the Houfe adjourned.

November 3.

The fame. Adjourned to Nov. 6.

November 6.

A bill, for the more effectual preventing clandeftine outlawries, was read the firft time, and ordered to be read a fecond time.

Ordered, that the grand committee for religion do fit every Tuefday in the afternoon, in the Houfe.

Ordered, that the grand committee for grievances do fit every Thurfday in the afternoon, in the Houfe.

Ordered, that the grand committee for courts of juftice do fit every Saturday in the afternoon, in the Houfe.

Ordered, that the grand committee for trade do fit every Friday in the afternoon, in the Houfe.

Ordered, That a committee of privileges be appointed.

And a committee was appointed accordingly.

And they are to meet upon Friday fevennight, at feven of the

the clock in the afternoon, in the speaker's chamber; and to ſit every Monday, Wedneſday, and Friday, in the afternoon; and all who come are to have voices; and they are to take into conſideration all ſuch matters as ſhall or may come in queſtion, touching privileges; and to report their proceedings, with their opinion thereupon, to the Houſe, from time to time; and the committee are to have power to ſend for perſons, papers, and records, for their information; and if any thing ſhall come in queſtion touching the matter of privilege of any member, he is to withdraw during the time the matter is in debate.

Ordered, that all perſons who will queſtion any returns of members to ſerve in Parliament do queſtion the ſame within fourteen days next, and ſo within fourteen days next after any new return ſhall be brought in; and that all members who are returned for two or more places, do make their election by this day three weeks for which of the places they will ſerve, provided there be no queſtion upon the return for that place; and if any thing ſhall come in queſtion touching the return or election of any member, he is to withdraw during the time the matter is in debate; and that all members returned upon double returns do withdraw till their returns are determined.

Reſolved, that no peer of this realm hath any right to give his vote in the election of any member to ſerve in Parliament.

Reſolved, that where this Houſe ſhall judge any petition touching elections to be frivolous and vexatious, the Houſe will order ſatisfaction to be made to the perſon petitioned againſt.

Reſolved, that, if it ſhall appear that any perſon hath procured himſelf to be elected or returned a member of this Houſe, or endeavoured ſo to be, by bribery or any other corrupt practices, this Houſe will proceed with the utmoſt ſeverity againſt ſuch perſon.

Reſolved, that if it ſhall appear that any perſon hath been tampering with any witneſs, in reſpect of his evidence to be given to this Houſe, or any Committee thereof, or directly or indirectly hath endeavoured to deter or hinder any perſon from appearing, or giving evidence, the ſame is declared to be a high crime and miſdemeanor; and this Houſe will proceed with the utmoſt ſeverity againſt ſuch offender.

Reſolved, that if it ſhall appear that any perſon hath given falſe evidence, in any caſe, before this Houſe, or any committee thereof, this Houſe will proceed with the utmoſt ſeverity againſt ſuch offender.

Reſolved, that it is a high infringement of the liberties and pri-

privileges of the Commons of Great Britain, for any Lord of Parliament, or any Lord Lieutenant of any county, to concern themſelves in the elections of members to ſerve for the Commons in Parliament.

Reſolved, that in all caſes of controverted elections for counties in England and Wales, the petitioners do, by themſelves or by their agents, within a convenient time, to be appointed by the Houſe, deliver to the ſitting members, or their agents, liſts of the perſons intended by the petitioners to be objected to, who voted for the ſitting members; giving, in the ſaid liſts, the ſeveral heads of objection, and diſtinguiſhing the ſame againſt the names of the voters excepted to; and that the ſitting members do, by themſelves or by their agents, within the ſame time, deliver the like liſts, on their part, to the petitioners or their agents.

Ordered, that the ſerjeant at arms attending this Houſe do from time to time, take into his cuſtody any ſtranger or ſtrangers that he ſhall ſee, or be informed of to be, in the Houſe, or gallery, while the Houſe, or any committee of the whole Houſe, is ſitting; and that no perſon, ſo taken into cuſtody, be diſcharged out of cuſtody without the ſpecial order of the Houſe.

Ordered, that the back door of the ſpeaker's chamber be locked up every morning at the ſitting of the Houſe, and the key delivered to the clerk, to be locked up by him; and that he do not preſume to deliver the ſame to any perſon whatſoever, without order of the Houſe; and that the ſerjeant at arms attending this Houſe do take care to clear the ſpeaker's chamber every day before the door is locked up.

Ordered, that no member of this Houſe do preſume to bring any ſtranger or ſtrangers into the Houſe, or gallery thereof, while the Houſe is ſitting.

Ordered, that the conſtables and other officers of Middleſex and Weſtminſter, do take care, that from eleven of the clock in the morning till one in the afternoon, and from four till ſix in the afternoon, during the ſeſſion of Parliament, the paſſages through the ſtreets between Temple-Bar and Weſtminſter-Hall ſhall be kept free and open; and that no obſtructions be made, by cars, drays, carts, or otherwiſe, to hinder the paſſage of the members to and from this Houſe; and that the ſerjeant at arms attending this Houſe do give notice of this order to the officers aforeſaid.

Ordered, that the conſtables in waiting do take care that there be no gaming or other diſorders in Weſtminſter-Hall, or the paſſages leading to the Houſe, during the ſitting of Par-

Parliament, and that there be no annoyance, by chairmen, footmen, or otherwiſe, therein, or thereabouts.

Ordered, that the ſaid orders be ſent to the high bailiff of Weſtminſter, and that he do ſee the ſame put in execution.

Ordered, that no footman be permitted to be within the lobby of the Houſe, or upon the ſtairs leading thereto.

Ordered, that the ſerjeant at arms attending this Houſe do take care, that there be no gaming or other diſorders in the room appointed for the footmen attending the members of this Houſe to wait in.

Ordered, that the ſerjeant at arms attending this Houſe do take into his cuſtody ſuch footmen as ſhall preſume to diſobey the orders of the Houſe; and that no ſuch footmen be diſcharged out of cuſtody but by the ſpecial order of the Houſe.

Ordered, that, to prevent the intercepting or loſing of letters directed to members of this Houſe, the perſon appointed to bring letters from the General Poſt Office to this Houſe, or ſome other perſon to be appointed by the poſt maſter general, do, for the future, every day, during the ſeſſion of Parliament, Sundays excepted, conſtantly attend, from ten of the clock in the morning till one in the afternoon, and for two hours at the leaſt immediately after the riſing of the Houſe, and alſo from five of the clock in the afternoon till ſeven, at the place appointed for the delivery of the ſaid letters; and take care, during his ſtay there, to deliver the ſame to the ſeveral members to whom they ſhall be directed, or to their known ſervant or ſervants, or others bringing notes under the hands of the members ſending for the ſame.

Ordered, that the ſaid officer do, upon his going away, lock up ſuch letters as ſhall remain undelivered; and that no letter be delivered but within the hours aforeſaid.

Ordered, that the ſaid orders be ſent to the poſt maſter general.

Ordered, that when any letter or packet directed to this Houſe, ſhall come to Mr. Speaker, he do open the ſame; and acquaint the Houſe, at their next ſitting, with the contents thereof, if proper to be communicated to this Houſe.

Ordered, That the ſerjeant at arms attending this Houſe do, from time to time, when the Houſe is going to prayers, give notice thereof to all committees; and that all proceedings of committees in a morning, after ſuch notice, be declared to be null and void.

Ordered, that the votes of this Houſe be printed, being firſt peruſed by Mr. Speaker; and that he do appoint the printing thereof; and that no perſon but ſuch as he ſhall appoint do preſume to print the ſame.

The

The House taking notice, by the book of returns, that the sheriffs of the city of Coventry had not returned any citizens to serve in this Parliament for the said city; and that they had made a special return why they had not returned such citizens; the said return was read, and is as followeth:

" By virtue of the writ of election to us directed (to which this is annexed) proclamation being first made of the premises in the said writ mentioned, and of the day and place as by the said writ is directed, we, the within-named sheriffs, did, in obedience thereto, on the ninth day of September, in the twentieth year of the reign of our Sovereign Lord the King, proceed in order to cause two citizens of the most sufficient and discreet of our said city, freely and indifferently to be chosen, according to the form of the statutes in such case made and provided, when there appeared as candidates Edward Roe Yeo, and John Baker Holroyd, esquires, Sir Thomas Halifax, knight, and Thomas Rogers, esq. and thereupon a poll was opened in the usual and accustomed manner, and proceeded in a peaceable and orderly way for about the space of half an hour, at the end of which space of time divers persons, and particularly colliers, and others, not inhabitants or freemen of the said city, to the number of five hundred and more, with a blue flag carried before them, and having blue and white cockades in their hats (being the marks and badges by which the party of the said Edward Roe Yeo and John Baker Holroyd were distinguished) tumultuously and riotously assembled together at the place of election, and did disturb and impede the said election; and did, in our view, violently, riotously, and outrageously assault, beat, strip, bruise, and otherwise ill-treat a great number of voters attending at the place of election, and offering to poll for the said Sir Thomas Halifax and Thomas Rogers, esq. and then and there disturbed, impeded, and obstructed the said voters from giving their votes: the said rioters and disturbers at the same time openly and publicly threatening that no person should come up to poll for the said Sir Thomas Halifax and Thomas Rogers, esq. Whereupon we adjourned the said poll to Monday the eleventh of the said month of September, and continued the same, by divers other adjournments, from day to day, to the eighteenth of the said month, in order that the said election might be made; but the said poll was disturbed and impeded from time to time, by like tumults, riots, and by assaults and outrages committed upon the persons of many voters offering to poll for the said Sir Thomas Halifax and Thomas Rogers, by the said rioters and disturbers. And we, assisted by the magistrates

giftrates and peace officers, endeavouring, by an exertion of all the power and authority vefted in us, and particularly having appointed 236 additional conftables, to preferve the peace, to fupprefs the faid tumults and riots, and to remove the faid obftructions, and to open a free accefs to the booth, for the voters on both fides to come up to poll, were, notwithftanding riotoufly and forcibly affaulted and driven back, and otherwife ill-treated, to the imminent danger of our lives, and the voters were, by numbers and force, violently and illegally hindered from giving their votes, fo that out of two thoufand voters, and upwards, no more than eighty three were polled, and a free election could not be had ; but we were, by means of the faid tumultuous and illegal force, interrupted and obftructed in the execution of the faid writ, and of our duty and office, and in making the faid election. For which caufes aforefaid, we did not caufe to be elected, nor could we caufe to be elected, two citizens of the faid city and county, according to the exigency, form, and effect of the faid writ. Given under our hands and feals, this fixth day of October, in the year of our Lord one thoufand feven hundred and eighty.

THO. NOXON and THO. BULLER, Sheriffs."

Ordered, that Mr. Thomas Noxon and Mr. Thomas Butler, late Sheriffs of the city of Coventry, do attend this Houfe upon Thurfday fortnight, the 23d day of this inftant November.

Mr. Cornwall. Mr. *Speaker* reported to the Houfe, that, when the Houfe did attend his Majefty upon Wednefday laft, the firft inftant, in the Houfe of Peers, his Majefty was pleafed to make a moft gracious fpeech from the throne to both Houfes of Parliament, of which Mr. Speaker faid he had, to prevent miftakes, obtained a copy, which he read to the Houfe, and is as followeth, viz.

My Lords, and Gentlemen,

It is with more than ordinary fatisfaction that I meet you in Parliament, at a time, when the late elections may afford me an opportunity of receiving the moft certain information of the difpofition and the wifhes of my people, to which I am always inclined to pay the utmoft attention and regard.

The prefent arduous fituation of public affairs is well known ; the whole force and faculties of the monarchies of France and Spain are drawn forth, and exerted to the utmoft to fupport the rebellion in my colonies in North America, and, without the leaft provocation or caufe of complaint, to

attack my dominions; and the undisguised object of this confederacy manifestly is to gratify boundless ambition, by destroying the commerce, and giving a fatal blow to the power of Great Britain.

By the force which the last Parliament put into my hands, and by the blessing of Divine Providence on the bravery of my fleets and armies, I have been enabled to withstand the formidable attempts of my enemies, and to frustrate the great expectations they had formed; and the signal successes which have attended the progress of my arms in the provinces of Georgia and Carolina, gained with so much honour to the conduct and courage of my officers, and to the valour and intrepidity of my troops, which have equalled their highest character in any age, will, I trust, have important consequences in bringing the war to a happy conclusion. It is my most earnest desire to see this great end accomplished; but I am confident you will agree with me in opinion, that we can only secure safe and honourable terms of peace by such powerful and respectable preparations, as shall convince our enemies, that we will not submit to receive the law from any powers whatsoever, and that we are united in a firm resolution to decline no difficulty, or hazard, in the defence of our country, and for the preservation of our essential interests.

Gentlemen of the House of Commons,

I have ordered the estimates for the ensuing year to be laid before you. I see and feel, with great anxiety and concern, that the various services of the war must, unavoidably, be attended with great and heavy expences; but I desire you to grant me such supplies only, as your own security, and lasting welfare, and the exigency of affairs, shall be found to require.

My Lords, and Gentlemen,

I repose an entire confidence in the zeal and affections of this Parliament, conscious that, during the whole course of my reign, it has been the constant object of my care, and the wish of my heart, to promote the true interests and happiness of all my subjects, and to preserve inviolate our excellent constitution in church and state.

The Hon. Mr. *De Grey* moved, "That an humble address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious speech from the throne. To congratulate his Majesty upon the safe delivery of the Queen, and the birth of another prince; and to assure his Majesty, Mr. *De Grey*.

Majesty, that we take a sincere part in every event that contributes to his Majesty's domestic happiness.

"That we acknowledge, with the utmost gratitude, his Majesty's condescending goodness, in his desire to meet his Parliament at this time, and his gracious expressions of attention and regard to the disposition and wishes of his people. That we are impressed with a due sense of the difficulties of the present arduous conjuncture, when the whole force of France and Spain is combined and exerted to support the rebellion in his Majesty's colonies, and to attack all the dominions of his crown; and when it is but too manifest to all the world, that the real views of this most unjust confederacy are to give a fatal blow to the commerce and power of Great Britain, in resentment for the successful efforts which this nation has so often made to save the liberties of Europe from the ambition of the house of Bourbon. That we have observed, with great and just satisfaction, that his Majesty, by the support of his Parliament, and the spirit and bravery of his fleets and armies, has, under the Divine protection, been enabled to withstand the formidable attempts of his enemies; and we offer our most cordial congratulations to his Majesty on the signal successes which have attended the progress of his Majesty's arms in the provinces of Georgia and Carolina, and in which the conduct and courage of his Majesty's officers, and the valour and intrepidity of his troops, have been so eminently distinguished.

"That we consider his Majesty's earnest desire and solicitude to see the war brought to a happy conclusion, as the strongest proof of his Majesty's paternal regard for his people; but we entirely agree with his Majesty, that safe and honourable terms of peace can only be secured by such powerful preparations and vigorous exertions as shall convince our enemies that his Majesty and his Parliament are united in a firm and stedfast resolution to decline no difficulty or danger in the defence of their country, and for the maintenance of their essential interests. To assure his Majesty, that we are thoroughly sensible that these ends cannot be effected without great and heavy expences; and that we will grant his Majesty such supplies as the lasting security and welfare of his kingdoms, and the exigency of affairs shall be found to require. That his Majesty may rely with entire confidence on the most zealous and affectionate attachment of his faithful Commons to his person, family, and government; and that we acknowledge, with the liveliest sentiments of reverence and gratitude, that the constant tenor of his Majesty's conduct

conduct shews, that the sole objects of his royal care and concern are to promote the happiness of his people, and to preserve inviolate our excellent constitution in church and state.

Mr. De Grey supported his motion by taking a cursory view of the present posture of American affairs, which, he contended, was far more desirable than memory could trace it at any period since the convention of Saratoga: the splendid success of Lord Cornwallis in the southern colonies had enhanced the reputation of British valour, and intimidated our enemies. Carolina was universally reduced to the obedience of our arms, and the friends of Britain there no longer feared to avow their sentiments. He complimented the brave general, by whose conduct and fortitude these advantages were derived, in the highest strain of panegyric; Colonel Tarleton too, and the other officers in the southern army, had their tribute of applause. With respect to the propriety of assuring his Majesty, that the House would supply the means of prosecuting the war with energy, he contended that our situation precluded every prospect of honourable peace, but through the medium of victory. It is no longer, said he, a question of allegiance and independency between us and our colonies; but whether we shall relinquish those valuable provinces in favour of the House of Bourbon? No lover of his country can hesitate to depreciate such an accession of strength to our natural enemy; and no friend of America can wish we should resign her to the yoke of an arbitrary sovereign.

He next contended, that by consenting to the independency of America (should a measure so humiliating be proposed as the basis of that peace, so fervently to be wished for) we must endanger the loss of all our transmarine possessions, and sink the native consequence of this kingdom to a mere nothing in the scale of Europe. The prosecution of war then, until it might be terminated on better and more honourable grounds, was essential to the political existence of Great Britain; by the example of other nations, wise and powerful, we might learn never to despond; but expect the happy effects of fortitude even in the most adverse situation. Upon these and various other grounds he recommended the address, which echoed as usual every paragraph of the King's speech, with professions of attachment and assurances of support.

Sir *Richard Sutton* seconded the motion, and presaged the future success of our affairs in America; said he had been always sanguine in his expectations that the issue of the war would be fortunate, and was now as confident as ever; but Sir Richard Sutton.

should any gentleman think less favourably of our situation than himself, still what measure but the prosecution of hostilities would now be adviseable? Should we give up America, and accept conditions of peace from France and Spain; or should we withdraw our arms from that continent, and contend solely with the House of Bourbon? The latter alternative could probably not be in our option; for America was bound, he thought, by every tie of policy and honour not to desert her allies, or leave them exposed to our collected efforts in a war commenced for her advantage.

Mr. Grenville.

Mr. *Grenville*, professing his loyalty and dutiful regard to his sovereign, rejoiced sincerely in every event that encreased the felicity of the King and the Royal Family; he therefore heartily acquiesced in the first part of the address proposed, which congratulated his Majesty on the happy delivery of the Queen, and the birth of a Prince. He declared that he was ready to go as far as any man in supporting the essential interests of his country; but whether the prosecution of the war in America ought to be reckoned among those interests was the question.. The conjuncture in which we stood was indeed, according to the phrase in the speech from the throne, arduous. A most powerful and dangerous confederacy was formed against this country, and every Englishman wished to break its power. But was that practicable? Could England alone, without a single ally in the world, contend successfully against America, France, and Spain? He represented the strength of those confederated powers, and contrasted that with the decayed trade and nearly exhausted resources of this country. Unable to carry on the war under the disadvantages which we felt, and which he enumerated, we ought perhaps to recall our troops from all unavailing efforts in America, and to direct our whole force against the House of Bourbon: but certainly we ought to do the former; for experience had taught us, or might have taught us, that all attempts to subdue America under the government of this country were as vain as they were ruinous and oppressive to this languishing nation.

At the commencament of the war, ministry, he acknowledged, had some pretext for pursuing the coercive measures which they adopted. At that time, it was said, that the voice of the nation was for war; the high spirit of this country being unwilling to give up our foreign and most valuable dependencies without a struggle. A struggle had been made, a vigorous struggle for many years; a struggle which this nation would feel for many and many a day. And now, he presumed,

presumed, the voice of the nation was not for war, but for peace: peace at least with America, if we should have war with the whole world. He could not, for these reasons, subscribe to an address which re-echoed a speech, which professed an intention of prosecuting the American war with vigour. But if other gentlemen should think that measure a wise one, accidents might happen in the course of the year, which might render its impolicy obvious to all; and why lie yourselves down by any implied promises of support, to continue the war at all adventures? Mr. Grenville, therefore, studious of unanimity in our present situation, would propose an amendment that would form an address, which, without tying them down to any system of conduct, would express their zeal and affection for his Majesty's person and government, and their resolution to stand by the rights and interests of their country.

The amendment he proposed was this: That all that part of the address, which followed the congratulation on the delivery of the Queen and the birth of a Prince, should be left out; and that, instead of the subsequent paragraphs, the following should be inserted: "In this arduous conjuncture we are determined to unite our efforts for the defence of this our country; and we beg leave to assure your Majesty, that we will decline no difficulty or hazard in preserving the essential interests of this kingdom."

Hon. Mr. *Fitzpatrick* rose to second the amendment, and after a few introductory words, apologizing for his troubling the House, and reminding the speaker that he very seldom took that liberty, arraigned the public measures which had been for some time pursued, and were now pursuing, as ruinous to the country and the constitution, on which the dearest interests of the country depended. Impressed with this idea, he could not, he said, give a silent vote for the amendment just proposed by his honourable friend, but would take that opportunity of saying a few words to express his sense of our present calamitous situation, and he would do it the rather now, because he verily believed that this would be the last Parliament in which so much of the remains of liberty would appear, that he or any other members who thought as he did, that the measures of his Majesty's ministers were injurious to the true interests of Great Britain, would enjoy the privilege of calling those measures in question, and freely speaking their sentiments upon them. He was sensible at the same time that any talents he possessed could not make a change in minds that had resisted the impressions of truth, enforced

Mr. Fitzpatrick.

enforced with the greatest abilities that men possessed, and illustrated and delivered with the greatest eloquence. The eyes of Europe, he said, were naturally attracted to the first deliberations and resolutions of that assembly; it therefore behoved them to be extremely cautious what language they held in their address to the throne. It was now as consistent with order, as it was with truth, to say, that the last Parliament was notoriously corrupt, and prostituted to the will of the minister. This night would determine whether this was to proceed in the steps of the former Parliament; which they would do if they should countenance the continuance of a war, flowing not from the voice or the interests of the nation, but founded merely in the will of the ministry. In order to consider the subject of the address properly, it would be right, he said, and in such cases it had always been customary, to turn their eyes to the speech of the minister, though commonly called the King's speech, and examine its contents. From the beginning of that speech, it was evident that ministers had deluded and deceived his Majesty, an art which they had long practised with fatal success, to the destruction of the empire, and to the ruin of his Majesty's interests and those of his people. His Majesty began his speech with saying, that "the late elections would afford him an opportunity of receiving the most certain information of the disposition and the wishes of his people, to which he was always inclined to pay the utmost attention!" That his Majesty was at all times inclined to pay the utmost attention to the wishes of his people, he was firmly persuaded, but did ministers really think that the late elections, considered collectively, would afford his Majesty an opportunity of knowing what those wishes were? If those elections, where only there remained any thing like a free choice, were adverted to, he verily believed they would shew his Majesty the sense of the people, because, with a very few exceptions, those elections had fallen upon gentlemen distinguished for their love of liberty, and for their having uniformly opposed and reprobated those measures which the ministry had for a series of years adopted and pursued. But possibly the ministry had assured his Majesty, that the present House of Commons was a proof of their popularity. Popular indeed they were, he was sorry to own, in many parts of the country, and particularly in the west of England, where the ministry and their dependents were many of them chosen to represent boroughs, which they had never before visited, and chosen by electors who till an hour previous to the election, had never seen the faces

faces of their representatives, nay, so popular were they in Cornwall, that many of them were elected in three or four different boroughs, though perfect strangers to the people who had chosen them their representatives.

After a good deal of strong irony on this point, Mr. Fitzpatrick represented the impolicy of the present war with America, and recommended the withdrawing our troops from thence, and concentring our force and directing it against the House of Bourbon: he adverted to the enormous increase of the national debt, the decay of manufactures and trade, the oppression of the people by taxes, &c. &c. and after apologizing for having obtruded himself so long on the patience of the House, concluded with declaring that he concurred most cordially in the congratulatory part of the address, but thought the amendment just proposed the most wise and fit termination of it, since under the present circumstances the House ought not to pledge itself to any particular line of conducting the war.

Mr. *Pulteney* began with saying, that even if that House thought the American war ought not to be pursued, it would neither be wise nor prudent to make a public declaration of that opinion to all the world. He complained of the custom gentlemen had adopted of calling the war unjust, and said, however the freedom of debate might warrant their giving it that epithet within those walls, he wished that it might not be so termed without doors. Indeed he thought that such as without scruple, in print and conversation, called the war unjust, and thus presumed to brand and stigmatize a measure sanctified by the British Parliament, were guilty of an offence which ought to be followed by punishment; and if the laws, as they now stood, were not equal to the correction of this evil, and that people had a right to indulge themselves in such a licentious use of their pens, other laws should be passed and that right taken away. He had at the beginning of the war with America thought it unjust, and he had always argued in that House in that manner, but thinking, as he then did, that the war was unjust, he had never conceived he should be warranted in terming it so without doors, after Parliament had chosen to pronounce the war just, and to pursue it under that idea. But a change of circumstances had made a change in his sentiments concerning it. We had now given up the taxation of America, which would have been injustice, as they had no representatives in Parliament, and the justice of the American war had been recognized, and confirmed repeatedly by Parliament. Gentlemen had talked of the present

Mr. Pulteney.

war

war in language that he could not approve; they had said the war was carried on to conquer America. He saw it in a different light. He considered the war as a war carried on to protect our American friends from the tyranny and oppression of Congress, and those friends he believed were very numerous. This was a purpose which, in gratitude and humanity, this country was bound to pursue, nor did he see any reason for despondency. Our affairs in America were surely in a better situation at present than they had been in since the unfortunate convention at Saratoga? The just and liberal offers made by Great Britain to America had produced very considerable effects on the minds of the inhabitants of that country; and he doubted not, that more than half the Americans, when the oppressions under which they laboured should be removed, would appear to have been friends to the British government.

Mr. Pultney concluded, with declaring he should vote for the address as originally moved, because he thought it unexceptionable, and because it did not appear to him to pledge the House to any particular line of conduct.

Sir Horace Mann.

Sir *Horace Mann* thought that declamations tending to give the world an idea that our resources were exhausted, and that we ourselves were in a state of despondency, ill became Englishmen at any time, but least of all, in a moment of real difficulty and danger, in a moment when the most powerful confederacy that ever was formed, threatened us with destruction. It had been the character of this country to look danger in the face, to hold despair in contempt, and in proportion to the pressure of affairs, to exert its efforts, to act with spirit, and by the energy of its operations, to surmount all difficulty, and all resistance. This had been the practice of our ancestors, this ought to be the practice of Great Britain under her present circumstances. The American war was not ascribable to administration, the seeds of it were deposited at a remoter period, but it was idle and absurd to be now losing time in accusation, and in fruitless attempts to charge any particular set of men, as authors of the present difficulties. America had hostilely allied herself to France, the actual foe of Great Britain, and Spain had joined the confederacy. Each of the three powers who formed the league, were to be regarded with equal jealousy, and to be opposed with equal exertion; America as well as France and Spain, France and Spain, as well as America. The interests of France and America were inseparably united, slacken your

your operations against the latter, and you give vigour to the operations of the former. The whole matter to be provided for was, how the operations of the war could be best carried on by us, to answer the great end of breaking the union of the three powers, and rendering their attempts, their unjust attempts to destroy our naval force, and ruin our commerce, unavailing. That however was not the consideration of this day, and therefore it was needless for him to go into it. Powerful as the confederacy confessedly was, he could not think it so tremendous and so alarming as the honourable gentleman who moved the amendment, and his honourable friend who seconded it, had seemed to imagine. All confederacies carried in them principles of disunion. The present confederacy was formed by powers, the most unlikely to coalesce for any continuance with cordiality, that could possibly join together. America, a Protestant people, declaring that she fought for her liberty, allied to France, a Roman Catholic power, in whose dictionary the word liberty had no place! could any man in his senses for a moment believe that France had engaged in this expensive war, for the purpose of defending the liberties of America? The idea was too monstrous and too ridiculous to be entertained for a moment. Was it likely that Spain, however drawn into the war by the intrigues of France, could be sincere in wishing to give America independency? Was it probable that she should have so little regard for her own interest, as to shew herself a supporter of rebellion, and thus by her own example encourage all her South American colonists to shake off their dependance on the Spanish crown? Again, were Spain and France cordial friends? If the Spaniards in general were inspired with the same sentiments as those of the province of Catalonia, the only province of Spain in which he had been, he would venture to say they were not. In Catalonia every man breathed the most rooted antipathy to France, to its manners, to its customs, and most of all to his people. Looking at the confederacy in its proper light, seeing it in its true colours, was there not more cause to expect that so motley, so incongruous, so heterogeneous a mixture, so unnatural a league would not hold long together? France had already pretty plainly shewed what were her views respecting America. America was already jealous of her, and every day that the war continued, she would have more cause to lament that she had ever called upon France to assist her. The Spaniards, naturally as gallant a nation as any in Europe, though from that

 circumstance

circumstance they fought bravely in the field, felt their losses too severely not to have regretted their court having been made the dupe of the cabinet of Versailles, and nothing but their national attachment to the person of their prince, who has not forgot the treatment he received from this country when King of Naples, could have kept them still ready to pursue the purposes of the war; a time he trusted was near at hand, when they would shew that what he had said was well founded. But taking the confederacy in a general point of view, what does history tell us has been the end of the greatest leagues that have been formed? Let us recollect the most extraordinary confederacy that the page of the historian teems with, the powerful league of Cambray formed against the republic of Venice! Was Venice destroyed? It is true she lost a part of her navigation advantage by the traffic of other countries being sent by a different passage to Greece; but is she not now a respectable power considered as one of the European states? As respectable as her situation in Italy entitles her at any time to be. Let gentlemen recollect the alliance that was formed against the House of Bourbon! Louis XIV. found means to elude the designs of it, and thence arose the famous family compact! The present confederacy was a powerful one, but though we were without an ally, we had obvious advantages, if we would agree among ourselves, and act with vigour and firmness.

Sir Horace said, he had in the last Parliament shewn himself no friend to ministers: he trusted therefore, that what he now said, would be considered by the whole House as his real sentiments. In pursuance of their impulse it was, that he declared himself an advocate for the address; and so far was he from thinking that it said too much for the House, he really felt that more was requisite. The American war began to wear a more promising aspect than hitherto it had done, and the prosecuting of it with vigour, was now more than ever, in his opinion, a necessary and a wise measure. Our late successes were truly glorious, and the conduct of our officers, particularly that of Lord Cornwallis, merited the highest praise. He hoped, therefore, that the bare mention of it with applause in the present address, would not be the only notice taken of it by the House. He trusted that he should hear a motion soon for something specifically and substantially tending to shew Lord Cornwallis the sense that House entertained of his singular gallantry, judgment, and good conduct. It would not be fitting for him to be the proposer of

what he hinted at, but he would join most heartily in supporting any such proposition, let it come from what quarter it would. He concluded with observing, that to renounce the American war, would in his mind, be an act of political folly little short of madness; it would at the same time, be an act of the greatest inhumanity, considering the number of loyalists who had flocked in to the King's standard, and who now relied on the British arms for protection.

Right Hon. *T. Townshend* observed, that there was every year a new reason for continuing the American war; first, we were to send toops to deliver the men of consequence and property from the tyranny of the mob; afterwards to deliver the lower ranks from the oppression of the upper, and of the Congress; now we were called upon by Sir R. Sutton to deliver both from the captivity in which they were held by the French army. Right Hon. *T. Townshend*.

He was surprised to hear the league of Cambray cited by those who supported the administration. He was afraid that the similitude of the situation of Venice, at that period, to the present state of our affairs, was but too apparent. A number of powers, jarring in their interests much more than those which were now leagued against us, attacked Venice: it is true, they soon quarrelled; but not till Venice was ruined. The name of the Venetian state remains, but its commerce; its dominions in Italy, are reduced, if not quite annihilated; and she may retain (to use Sir Horace Mann's expression) her proper rank among Italian states, but her weight, power, and consequence, were totally at an end. To such a situation might we perhaps be reduced, and our enemies tell us that we held our proper rank among the states of Europe. He lamented our want of alliances, and could not rejoice at that compact state which others seemed so much pleased with. He did not believe that what was done against Lewis XIV. would have been more easily atchieved by attacking him without any allies at all. He declined entering into the reasons why Great Britain did not profit more from our successes against the House of Bourbon at that time.

He lamented that we were to continue the American war, which he looked upon as the favourite object of the government. To that object all others were sacrificed. They had sent young regiments under unexperienced officers to the West Indies, while our veterans were employed in North America.

He wished, therefore, for the amendment, because it prevented us from pledging ourselves to that ruinous measure precipitately, and hoped the House would not be drawn in, year after year, into the continuation of it. Mr. Pultney had blamed those who, delivering their opinions within doors against the American war, did the same without doors likewise, which he looked upon as criminal: he wished to know what he thought of those, who spoke and voted for it within doors, and reprobated it abroad: he confidently believed, that if all voted against it in the House, who condemned it out of it, we should have saved much blood and treasure, and have been in a much better condition than at present.

Mr. Welbore Ellis.

Mr. *Welbore Ellis* complimented the young gentlemen who had moved and seconded the amendment on their eloquence; but could not agree with them in thinking that the address was in the least improper, or that it contained matter less fit for the House to adopt on the present occasion than the proposed amendment; on the contrary, with all due deference to them, he said, he thought they were pretty nearly alike in purport, only that the same meaning was expressed more handsomely, and in better terms, in the address, than it was in the amendment. In order to prove this to the satisfaction of the House, he went into an examination of the address paragraph by paragraph, commenting on each elaborately, and arguing as he went on, that nothing more was said than the occasion required. He owned nothing could be more true than that it was highly incumbent on the House to take care that what they carried up to the throne should not contain any thing like a pledge, to observe any particular line of conduct; he had examined the address minutely, and he never in his life saw an address more cautiously worded, or more suitable to the purpose. If the amendment were adopted, all that his Majesty had said from the throne, excepting only his information of the encrease of the royal family, would, contrary to the constant usage of Parliament, remain unnoticed. Would gentlemen say, it was right for that House to holden a sullen silence on our late successes in America? Would it be handsome to Lord Cornwallis, or to the other officers who, under that gallant commander's orders, had acquitted themselves, so much to the credit of themselves and to the essential services of their country, to withold their due praise? or did gentlemen imagine, if the eyes of all Europe were turned on the proceedings of that House (as had been truly observed) that it would

would have a good effect upon the minds of the foreign princes and powers, to see the British Parliament just at that moment wanting in professions of zeal to his Majesty, or of joy at the late signal successes of his Majesty's arms in America! Surely a moment's recollection would teach gentlemen to think differently, and convince them of the propriety of unanimously agreeing to the address. In one part of it, the House returned his Majesty thanks for the blessing of his government. In all his experience, for the many years he had sat in that House, he had never known such a matter rejected, and yet if the amendment were carried, all that part of the address would be omitted. Another matter which struck him very forcibly, seemed to have made little or no impression on the gentlemen who had moved and seconded the amendment, and that was, that as the address containing due praises to the officers in America had been moved and seconded, the rejection of such an address would *ipso facto* amount to a censure upon those officers, and would have that effect in the eyes of all Europe. Would gentlemen then say, they were prepared to pass a censure on the conduct of Lord Cornwallis and Colonel Tarleton? Would they even refuse to thank them for that conduct? Upon these and other considerations, he trusted the honourable gentleman, who moved the amendment, would not make it a question, or take the sense of the House upon it, but would agree with him in voting for the address, which certainly did not bind the House to pursue the war in any particular manner; that was a future consideration, and as it must of necessity be governed by events as yet unkown, it would be time enough to discuss and resolve upon it, when time had brought those events to light.

General *Smith* spoke warmly against the address. He contended that the American war was ruinous to this country, and maintained the reverse of the assertion of Mr. Pultney, who had said we were in a better situation now than we had ever been in, respecting America, since the fatal convention of Saratoga. The General asserted, that we were in circumstances infinitely worse at present than at that unfortunate period. The millions we had since spent upon the war, would, he was well assured, have built and equipped 40 sail of the line. He declared that every military man knew, from the affair at Trenton, that all attempts to subdue America were so many fruitless prostitutions of blood and treasure, for that the matter was altogether impracticable. He therefore wished- General *Smith*.

ed the House to tell his Majesty, they would go on with the American war no farther, but would give every possible support to his arms, when directed against their proper object,—the House of Bourbon.

Mr. Fox. Mr. *Fox* rose just as the question was about to be put; and, in a speech of very considerable length, went over the whole ground of complaint which had been urged, or could be urged, by opposition against the King's servants, as well respecting the conduct of the American war, as with regard to a great variety of other topics.

He began with observing, that the amendment moved and seconded by his two honourable friends, had been very ably supported by them; and that no answer whatever, at least nothing like an argument, had been advanced against it. The best thing had been attempted to be urged in support of the address, was what had fallen from the Right Hon. gentleman over the way [Mr. Ellis], viz. that it was something like the amendment. That, however, certainly was not a sufficient reason to induce the House to prefer the address to the amendment, if the House meant to convince the people at large that they were governed by reason and fair argument, and not by private motives, and that undue influence, which the last Parliament, almost in its last moments, had declared to have "increased, that it was increasing, and that it ought to be diminished." The address, he said, it was true, did not directly pledge the House to go on with the American war, but considered altogether, it amounted pretty nearly to that idea. Ministers had thought proper to word it differently from the address come to by the other House last Wednesday. The Lords in their address, had expressly declared their readiness to go on with the war. Ministers had shewn so much deference to that House, that they had not in the address which had been then read, pledged the House directly; but then gentlemen would observe, that in a subsequent paragraph, the matter was brought in; and upon the whole, there was sufficient cause for suspicion and distrust, sufficient cause to fear that ministers meant to plunge this country deeper in ruin, than they had already sunk it, by continuance of that mad war!

With regard to King's speech, which for the sake of free- of debate, was properly termed the speech of the minister, was there in it one gleam of comfort, one hope or the least prospect of better conduct in the King's servants. Did it not begin with assuring Parliament that his Majesty wished to know

know the ſenſe of his people, and in the ſame paragraph, did it not contain the greateſt mockery and inſult upon the people, by telling them that his Majeſty hoped to receive the information he wiſhed for, through the medium of the late elections? Were thoſe elections free? Was the diſſolution previouſly announced, the time of it properly choſen? He hoped to God this circumſtance would become the ſubject of an enquiry in that Houſe, and that it might be known which of the King's ſervants it was, who had dared to adviſe his Majeſty to diſſolve his Parliament juſt when the diſſolution took place: a time when moſt gentlemen were taken by ſurprize. To him, indeed, it had no ſuch effect: he had long accuſtomed himſelf to watch the meaſures of adminiſtration, he knew the miniſters thoroughly, he underſtood their deſigns, and he was aware, that if one moment was leſs propitious to the people, and to the freedom of election, than another, that that was the moment moſt likely to be choſen by them for the diſſolution of Parliament; he had, therefore, expected it even before it happened, and he ſhould not have wondered, if it had taken place in the midſt of the harveſt. As it was, it took place when the majority of that Houſe, eſpecially of thoſe who had uniformly oppoſed and reprobated the mad and deſtructive meaſures of Miniſters, were in camp, and at conſiderable diſtance from the places they repreſented; ſo that, inſtead of conſulting the wiſhes of the people inſtead of rendering it as little injurious to the internal peace and quiet of the kingdom, as poſſible, miniſters had taken pains to render the diſſolution of Parliament as great and calamitous an evil as could have happened.

As to the beginning of the addreſs, he ſaid, he had no objection to congratulate his Majeſty on the encreaſe of his domeſtic happineſs. Long might his domeſtic enjoyments continue to encreaſe. They were the only enjoyments his Majeſty poſſeſſed. Unfortunate in every other reſpect, unfortunate abroad, and unfortunate in the conduct of civil affairs at home, he was happy in domeſtic life; and on this happineſs in his family, he would congratulate his Majeſty ſincerely. But at the preſent moment of embarraſſment and diſtreſs, when the brighteſt jewel was torn from his diadem, when America was diſſevered from the Britiſh empire, never to be re-united when diſcord and civil diſſentions raged among thoſe parts of the empire which yet remained, but which ſeem prepared for revolt, to approach the throne with gratulatory addreſſes, was not loyalty, but cruel mockery and inſult. But what, ſaid,

ſaid the honourable gentleman over the way? Will you refuſe to acknowledge, with gratitude, the bleſſings we enjoy under his Majeſty's government? How long, replied Mr. Fox, ſhall the ſacred ſhield of majeſty be interpoſed for the protection of a weak adminiſtration? This word Majeſty was a kind of hocus pocus word, which is turned into all ſhapes, and made ſubſervient to every legerdemain trick, and every illuſion convenience dictates. If by the bleſſing of his Majeſty's government be underſtood his Majeſty's virtues, he was ready to acknowledge his Majeſty's perſonal virtues with reſpect and with reverence. But if by the bleſſings of his government he underſtood the acts and projects of his Majeſty's miniſters; he deteſted and reprobated them. The preſent reign had been one continued ſeries of diſgrace, miſfortune, and calamity. What bleſſings are we called upon to recognize in the addreſs? Firſt, the happy effect of this new Parliament, in giving his Majeſty an opportunity of knowing the ſentiments of his people. As an honourable friend of his had aſked, was there no trick, no deceit uſed in order to garble a new parliament? In words miniſters diſclaimed the abridgement of the duration of ſeptennial parliaments; in actions they approved it. He did not expect ever to ſee a ſeptennial parliament die a natural death. Six years ago he obſerved, he had the honour to ſit in that Houſe, when the ſubject of their debate was preciſely the ſame that it was this night, viz. the juſtice and expediency of proſecuting the American war; and he made no doubt, but that if he ſhould have the honour to ſit in the next parliament ſix years hence, at the opening of it, the ſame ſubject would be under diſcuſſion. It would have been preſumption in him to have made ſuch a prediction ſix years ago, and nobody would have credited him. Paſt experience now made it no longer ſo, and therefore he ſcrupled not to prophecy, that if the war was continued, its propriety and its expediency would be the ſubject of diſcuſſion on the firſt opening of the next parliament. What have we gained by the American war in that period? We have exchanged Boſton for New-York; and Philadelphia, the capital of Virginia, for Charles Town, the capital of South Carolina. O! but we have gained of late a moſt ſignal victory at Camden. Generals Gates and Sumpter are routed by Lord Cornwallis and Colonel Tarleton. Theſe victories are but omens and forerunners of greater ones. Such was our ſanguine expectation, when in the beginning of the

war the British troops defeated the Americans on Long Island. The success at Brandywine was to be followed by the immediate reduction of the provinces, and not a rebel was to be seen in all the continent of North America.

The taking of Ticonderoga was a splendid affair; and that too was to be followed by the most important consequences. The event perpetually belied our sanguine predictions, yet now, with all our experience, we talk of following up with alacrity, our late victory in Carolina. That victory was a glorious one, he readily allowed, to the general officer, and all the officers and British troops who gained it; but the glory of that victory was due to the army only, and the disgrace of reducing Lord Cornwallis to that dangerous situation which made his victory a miracle, was the minister's. The only fruit of the reduction of Charles-Town, was the dangerous situation that led necessarily to the engagement. The success of that engagement was owing to the army. That affair seemed farther alarming to him in another point of view. It was a proof that the majority of the Americans was not, as had been said, friendly to this country; but, on the contrary, that they were almost unanimously attached to the cause of Congress. For no sooner did General Gates appear among the Carolinians, than those very men flocked to his standard, who had taken the oaths to our government, carrying along with them the arms that had been put into their hands by our general, which reduced Lord Cornwallis to the cruel necessity of putting them to death, and rendered that a necessary measure, which all who knew Lord Cornwallis, knew must have given him infinite pain. Hence he argued, every gleam of success had been the certain forerunner of misfortune. The loss of the whole army followed the capture of Ticonderoga; the evacuation of Philadelphia had followed other success; and no sooner do we hear of the surrender of Charles-Town to his Majesty's arms, than we prepare to receive intelligence of some new disaster; and a very short time afterwards, news arrives of the loss of Rhode Island, which he was warranted to say, was the only good winter harbour in all America.

Not that he meant to contend that no advantage was to be derived from the late success obtained by the wonderful good conduct and gallantry of Lord Cornwallis. Great advantages might be derived from it; it might be made the foundation of an honourable and happy peace. Let ministers seize and improve the advantage, and they will deserve the thanks and applause of their country. But have they given us any hopes of it? On the contrary, does not the ad-

drefs now moved for, prove to the conviction of this Houfe, that they mean to purfue the war—they dare not give it up, the unpopularity of it is their fecurity—that, and that only, keeps them in place. An honourable friend of his, who moved the amendment, had faid, we had fought bravely, we had exerted our vigour, but ftill our exertions produced no effential advantage. Other gentlemen had praifed the efforts this country had made in the courfe of the war, and argued well from that circumftance, declaring we had aftonifhed all Europe by our exertions—it was moft true. The war was began madly, the minifters made war blindfold, and the efforts of this country, fo directed, and fo planned, like the efforts of a madman, which always were more powerful than thofe of a reafonable being, had aftonifhed all Europe—but what good had they done? they had only weakened and reduced our refources. They had exhaufted the fpirits of the people, and almoft annihilated the power of future exertion. An honourable gentleman had faid, that it was improper to term the war unjuft, excepting only within thofe walls: he muft beg leave to differ in opinion; he thought the war unjuft, he had faid fo repeatedly in that Houfe, he had faid fo elfewhere, and he would fay fo whenever and wherever he had opportunity. He would fay fo to the whole world, if his voice had power and extent enough to communicate the idea. But according to the argument of the hon. gentleman to whom he was alluding, what was unjuft in its origin became juft in its advancement and profecution. The honourable gentleman thinks now he has got juftice on his fide, he has got all. Does the honourable gentleman think that the Americans, once driven by our injuftice to affert their independency, ought, in juftice, to relinquifh that independence, and to alter their eftablifhed government, and rely on our word for the performance of our promifes?

With regard to the argument of another honourable gentleman [Sir H. Mann] that, without an ally Great Britain had an advantage over a confederacy; if that doctrine were true, Great Britain was the moft flourifhing nation in the world. The reafoning of his honourable friend, from whom he was forry to differ in opinion, on the prefent point, from the League of Cambray, was certainly far from being conclufive. For Venice had been left in the circumfcribed fituation, to which nature had limited her, according to his own words, and fuch would be the fate of Britain; a fituation to which it was the exprefs object of the powerful

confederacy of France, Spain, and America, to reduce her, as his friend on the floor had very properly and truly stated. The grand alliance, in the reign of Louis the Fourteenth of France, had not indeed been so succesful, on account, he would say, of the impolicy of England, as might have been expected; but it gave a check, a wound, to the growing power of France; a blow from which nothing but the wretched conduct of such a ministry as ours could have recovered it. It was common danger and distress that chiefly endear nations, as well as individuals, to one another; and this tie, for the present, united the French and Americans in the closest friendship. But if we held out to the Americans something that may be a separate interest, and that may be a security to them, by removing the common danger, we should dissolve the friendship, and have a chance of treating with her.

The hon. baronet, who seconded the address, had talked of the good faith of America being plighted to France, and argued that her obligations to her ally would render her unwilling to treat separately, that therefore there were no hopes, but from a vigorous war carried on against her as well as against the House of Bourbon. Had he held this language himself, and dwelt so much on the good faith of America, it would have been in all the papers to-morrow or next day, that he was a friend to American rebellion, and to the enemies of this country. But, without ascribing to the Americans any extraordinary degrees of gratitude or perfidy, and considering them merely as men, whose conduct would, like that of other mortals, naturally be governed by a mixture of both reason and passion, he thought they might be detached from the cause of the House of Bourbon, by omitting to pursue offensive hostilities against them.

What would be the consequence of withdrawing the troops from America? American independence undoubtedly. This would be the means of obtaining peace. If the American war could be given up without her being independent—let ministers do it; but they *could not*: they were therefore wasting the blood and treasure of this country, without an object.

He repeated the old argument of ministry having perverted nature, and by the singular ill-conduct of the war, given France all the advantages of an island, and reduced Great Britain to the inconveniences of a continent. We were, he said, at an hundred times more expence in our

American operations, than they are; and we might carry on the war with greater ſucceſs, by calling all our forces from America, and pouring them into the French ſettlements. As it was ſaid in the laſt war, that France was conquered in Germany, ſo if ever America was to be conquered, it muſt be in France.

Gentlemen, he obſerved, had uſed a great many hard words reſpecting France; he ſaw no great harm in it, though it could not anſwer any very good purpoſe. It ſerved, however, to bring an old ſaying to his mind; and old ſayings ſometimes contained ſuch ſtrong truths, that they would occaſionally obtrude themſelves on men's minds. The old ſaying he then alluded to, was this: "Let us not rail at Alexander, but let us beat him." That was exactly his feeling reſpecting the Houſe of Bourbon: he was for beating France, rather than for railing at her; and, as he thought, the beſt way to do that effectually, would be to purſue the war with America no longer; he was for turning the arms of this country ſolely againſt the Houſe of Bourbon.

The honourable gentleman who moved the addreſs, had beſtowed a particular commendation on a long liſt of officers,

——Quem virum aut heroa,
Lyra reſonare jubes.

Above all, he had praiſed the valour and conduct of Earl Cornwallis, who, he was ready to own, deſerved the higheſt applauſe. But a right honourable gentleman had aſked, would gentlemen refuſe to thank Lord Cornwallis, and his gallant officers, for their extraordinary gallantry at Camden? in anſwer to that queſtion, he, for one, made no ſcruple to declare, that he moſt certainly would: he would not thank his own brother, who was now ſerving in America, for any ſucceſs he might obtain; as long as he lived, he never would agree to join in a vote of thanks to any officer, whoſe laurels were gathered in the American war; and his reaſon was, he hated and deteſted the war, he regarded it as the fountain head of all the miſchief and all the calamities which this miſerable country laboured under at this moment.

Mr. Fox took occaſion, in the courſe of his ſpeech, to advert to many topics not immediately connected with the addreſs. He reprobated miniſtry for the ill uſe they had made of the army laſt ſummer. The military was, he ſaid, a force at all times inimical to liberty, and therefore it behoved every Engliſhman to watch the army with a jealous eye.

eye. A few months since it was not safe for him, or any man in that House, to speak their sentiments; but now the storm was over, it was their duty to speak out. The army were, it was true, called in upon pressing necessity, and used to great advantage in the metropolis, and so far the matter was laudable; what he alluded to as reprehensible, was, the King's servants having dared to send orders to officers in all the towns of the kingdom, giving them power to act at discretion, without waiting for the authority of the civil magistrates, and this as well in towns where quiet was perfectly restored and tumult had subsided, as in towns where there had not been the smallest proneness to tumult. And these orders had not been withdrawn, till almost every election was over. This was an alarming violence to the constitution, and called for enquiry.

He also severely arraigned ministers for the insult they had put upon the navy, in appointing a man to a most honourable and lucrative post, who stood convicted of having produced a false and malicious charge against his superior officer. There could, he said, be only one of the King's servants, so abandoned, and so lost to all sensibility and honour, as to have dared to advise any such measure as the giving the governorship of Greenwich Hospital to that object of universal detestation, Sir Hugh Palliser; a man who was himself so conscious of his own unworthiness, that he had resigned all his employments, and by retiring from the sight of mankind, seemed as it were to have courted oblivion. There had never he believed been a precedent of a Vice Admiral's having Greenwich Hospital. The cause of its being given to Sir Hugh Palliser he did not doubt was not his conduct on board the Formidable, but his subsequent behaviour, his conduct against Admiral Keppel, his attempts to ruin the reputation of that gallant officer; and he felt the less wonder at this, because it was the charactereſtic of the present reign, to run down, vilify, and defame, great and popular men, and to set up, support, countenance and reward the infamous. The late promotion of Sir Hugh Palliser was on a par with the promotion of a man to one of the highest civil employments in the state, who had been publicly degraded last war, and declared incapable of serving again in any military capacity, at the head of every regiment in the army.

He alluded to what Lord Loughborough had said in his charge to the Jury at St. Margaret's Hill, last June, relative

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to the act of Charles II. which ordained, that not more than ten persons should sign a petition to Parliament, under a heavy penalty; and said, the doctrine shewed very plainly, what system prevailed, and what were the wishes of administration, if not resisted, and prevented in time.

He also alluded to Mr. Dunning's quondam character of the person who governed this country, under the legal description of He, She, or They, and rung the changes for some time very laughably at the expence of administration, on those words, and their conduct, characterizing the first, under the words, He, She, or They, and the second under the words Him, Her, or Them.

At length after touching on a great variety of topics, he recurred to the famous vote of the late Parliament, relative to the influence of the Crown, and said it was the last dying speech of that corrupted assembly—the death-bed confession of that wicked sinner; and it reminded him of the death-bed confession of other abandoned profligates, who after having heaped guilt on guilt, just before they parted with the last breath, sent for a priest, and made confession of their manifold sins and transgressions, saying "altho' our gang stood so firm together, and all agreed in stiffly denying the many atrocious facts we committed, particularly our greatest crime, and most mischievous offence, it is very true we were guilty, and we hope our fate will prove a warning to those we leave behind us, and induce them to lead better lives, and not by following the same bad courses, which we have pursued, come to the same premature and miserable end."

Lord George Germain. Lord *George Germain* said, as the honourable gentleman in the course of his speech had thought proper to throw out allusions, which he could not but see were directed at him, the House might possibly expect that he should make some reply; he rose therefore once for all, that whenever gentlemen chose to descend to the meanness of dealing in personal invectives, and to single him out as their object, he was prepared to treat the invectives and the author of them with the contempt they deserved. The honourable gentleman, among the variety of other things which had fallen from him, had said, that though Lord Cornwallis merited singular praise for his extraordinary good conduct and gallantry in the affair at Camden, he would refuse to join in a vote of thanks to him, or to any officer, let him deserve ever so much, who should gain a victory, in the progress of the American war; it was manly in the

the honourable gentleman to make this declaration, and all who thought of the American war as the honourable gentleman did, muſt of courſe join with him in that declaration; but as he thought very differently, he ſhould vote for the addreſs, as it had been originally moved; and he would go farther, he would fairly avow that he ſhould vote for the addreſs, becauſe he believed, and he hoped, that the war with America, would be proſecuted with vigour. Of that war he had never entertained but one opinion, and that was, that the war was juſt from the beginning, that it was a neceſſary war, a war which had been unavoidably begun, in ſupport of the undoubted rights of Great Britain, and of the Britiſh Parliament, and a war which he had the greateſt hopes might be brought, and that ſpeedily, to a happy and honourable concluſion.

Gentlemen, he obſerved, had been very liberal of ſeverity in the courſe of the debate, and every gentleman who had ſpoken in ſupport of the amendment, had condemned the American war, and called upon miniſters to abandon it; not one of them however had ſuggeſted how this was to be done, or in what manner his Majeſty's ſervants were to conduct a buſineſs of ſo much difficulty and importance. Gentlemen had talked of the alliance of America and France: if that were the caſe, was it to be expected that France would ſuffer America to treat ſeparately with Great Britain? But in fact, the Congreſs and the people in power in America were not the allies, but the ſubjects and dependants of France: in order therefore to open a way for treaty with America, the war muſt be carried on with vigour, and France be humbled through the ſides of America. He had as little hope as the honourable gentleman, that this country would be able to ſubdue America; but he had not given up his expectations, that ſhe might regain America. At preſent he was convinced more than half the people in America were the friends of this country; it behoved us therefore to free them from the tyranny of Congreſs, and reſtore them to their liberties; and if the honourable gentleman who ſpoke laſt, and the other honourable gentlemen who had taken the ſame ſide of the queſtion, were ſo extremely anxious to diſtinguiſh themſelves in the cauſe of freedom, here was fair occaſion for the full exerciſe of that laudable impulſe; the honourable gentlemen would fulfil their profeſſions, by aſſiſting in the ſupport of

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measures calculated to free the Americans from the illegal, oppressive, and arbitrary government of their present rulers.

He could tell the gentlemen on what condition Congress was ready to treat with Great Britain: allow America her independency, and Congress would treat to-morrow. He, however, would not be the man to treat with America on this condition, and he hoped he should not live to see the day when a man could be found, who would venture to take that ground of treaty, and for this reason: the destruction of this country, he was persuaded, would be the consequence. Gentlemen advised the withdrawing of our fleets and armies from America: what would follow? France and America united, would in a very short time send a powerful force against Newfoundland; they would seize upon our fisheries, and destroy that great nursery of our navy. Canada would fall next, and the possessions we yet had in the West Indies, would be wrested from us, and he had not the least doubt but we should feel ourselves vigorously attacked in every quarter of the globe. He did not therefore hesitate to declare, that his opinion was for prosecuting the war with the utmost vigour; he thought the existence of this country depended on it, and was convinced that any other line of conduct would be the highest impolicy; it would be a species of phrenzy, which nothing but despair could occasion.

Gentlemen had dwelt on the ill success of the war, and had expressed themselves as if this were the moment of despondency; he saw no reason for adopting melancholy sentiments. The last campaign had not been unsuccessful. In America we had gained considerably. In the West-Indies, what advantages had France and Spain to boast of, notwithstanding the great superiority of Mons. Guichen over Admiral Rodney? The British admiral had now the command of those seas, and the important island of Jamaica, which day after day, for the whole summer together, we had been taught to believe lost, was perfectly secure. Next year he would venture to assure the House, we should have a fleet superior, both in number of ships and in point of equipment, to any we ever had, either in this or in the last war. Upon all these considerations, therefore, he should vote for the address, and he felt the less difficulty in doing so, because the address bound the House to no specific measures, but left them at full liberty to act as prudence and wisdom should hereafter dictate.

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His Lordſhip, before he ſat down, apologized to the Houſe for having troubled them, declaring that as his noble friend in high office, who was much better able to have given the Houſe ſatisfaction on any point than he was, was abſent, he thought the Houſe would expect that ſomething ſhould be ſaid, in reply to what had fallen from the ſupporters of the amendment; at the ſame time he begged leave to ſay, that his noble friend deſired him to aſſure the Houſe, that he lamented exceedingly his being detained from his duty, and that if any thing which required a particular reply ſhould be dropped in the debate, or if any gentleman ſhould wiſh for an anſwer to queſtions which his noble friend alone could beſt ſpeak to, he would on a future day moſt readily ſatisfy the Houſe reſpecting them.

Admiral *Keppel* ſaid, he ſhould not have taken the liberty to have ſaid a word, conſidering what the Houſe had heard from his honourable relation, after whom he was conſcious he was extremely ill qualified to riſe as a ſpeaker, had not the noble Lord talked of our having a better navy next year, than we had at any time laſt war. He wiſhed the noble Lord had not gone quite ſo far; he did not expect to ſee a better navy, and ſhould, as he believed the country would, be perfectly ſatisfied to ſee as good a navy afloat next year, as we had afloat in the courſe of laſt war. The admiral complained of the ſcandalous neglect of our navy, both in fitting it out, in equipment, and in its operations. He ſaid, the officers had done their duty, and they always would do their duty he was convinced, but they had not been properly ſupported. Why was Sir George Rodney left as he had been, without reinforcement, after he had written repeatedly for more ſhips. There were thoſe preſent who knew he was ſpeaking facts; if a few ſhips had been ſent to Mr. Rodney early, he might have done a very eſſential ſervice to his country, which for want of a few more ſhips he was obliged to decline attempting. The whole conduct of the war, he ſaid, ſhewed the want of vigour and of wiſdom in adminiſtration, and the only reaſon why France had not been more ſucceſsful againſt us, was, he believed, becauſe the French cabinet were equally divided, equally irreſolute, and their councils as bad as ours; it was their want of deciſion, and not our prudence, that ſaved us. But after all, they had been ſuffered to ſend out a fleet and army to Rhode Iſland under Monſieur Ternay, unmoleſted

Admiral Keppel.

by us, when we had it in our power to prevent it. At that time, had a few of Mr. Walsingham's ships been taken, and added to others ready, they might have sailed and blocked up Brest harbour, and by that means have rendered Ternay's attempting to sail impracticable; but, according to the usual custom of the present administration, who in all their operations were too late, they made no effort to prevent the mischief, they contented themselves with tardily endeavouring to apply a bad remedy. They did not offer to stop Ternay, but they sent a fleet to follow him. At the time Ternay sailed, the Admiral asserted, that there was a naval force lying in Causand Bay, at Plymouth, capable of intercepting him. This was a fact which he dared ministers to deny; a fact, which he pledged himself to prove at the bar of the House, whenever the House should think proper to call upon him for that purpose. After putting this very strongly, the admiral took notice of the late appointment of a certain person to the government of Greenwich Hospital, and said, that bad as his opinion of his Majesty's ministers was, he was convinced, to adopt the expression of his honourable relation, there could be but one man in administration so abandoned, as to be capable of recommending that person to his Majesty, as fit to fill the office of governor of Greenwich Hospital. It was owing to that man, that the navy had been thrown into its present lamentable state of party and division. All the dissensions, all the uneasiness which prevailed in his Majesty's fleets,—and that they did prevail to a very great degree, was sufficiently notorious—was ascribable to the person to whom he was alluding, and the House might guess whom he meant.

Alderman Newnham.

Alderman *Newnham* began with saying, that presumptuous as it might appear in him, to rise to speak on the very first day of his taking his seat in that House, yet when he considered that the question under debate concerned the general interests of his country, in which the commerce of the city of London, which he had the honour to represent, was immediately concerned, he made no scruple to lay aside the difficulty, and to trouble the House with a few words upon the subject then in discussion. The address which had been moved and seconded, he most certainly should vote against, and that, because it tended to countenance and support the measures of the present ministers, who had, in his opinion, been guilty of the grossest neglect of our commerce, and of the most

scandalous

ſcandalous partiality in the impoſition of taxes. The Alderman founded this cenſure upon two different inſtances of ill conduct, which he ſtated to the Houſe. The one was, the neglect of the Admiralty in ſending out two ſuch valuable fleets as the Quebec and Weſt India fleets, under weak and improper convoys; and the other, the little attention the miniſter of finance had paid to the petition of the City of London, on their alledging, that as the houſe-tax ſtood, the tax was oppreſſively partial, the inhabitants, inferior traders and ſhopkeepers of the City of London, paying more towards the revenue ſo raiſed, for their houſes and ſhops, dedicated to buſineſs and the neceſſary ſupport of them and their families, than the nobility and gentry paid for their gorgeous and ſtately palaces in the country, kept merely for the purpoſes of luxury, which ought ever to be the more immediate object of taxation, than the honeſt induſtry of men in trade and buſineſs. Having urged this latter point fully, the Alderman adverted to the former, and began that head of his argument, with declaring, that the conduct of Captain Graves who had ſailed as Commodore of the Quebec convoy, was univerſally reprobated and condemned upon Change. He ſaid, he meant no injury to the gentleman's character, he had not the honour of being acquainted with him, but thoſe who were competent to judge of the duty of the ſervice upon which Captain Graves had been employed, (the ſhip Captains who made a part of the fleet under his protection), made no ſcruple to ſay, that the convoy was much too weak in itſelf, and that it was rendered ſtill leſs effectual, and more inadequate, by the little attention paid to the merchantmen by the Commodore, whoſe ſole object ſeemed to have been the making of prizes, and who left the fleet to chance, while he was wholly occupied in the furtherance of his own intereſt; in conſequence of which neglect, ſome American privateers got in among them, and made ſeveral of the moſt valuable ſhips eaſy captures. The Alderman ſtated further that their lading was chiefly ſtores and commodities deſtined for uſe and conſumption in Canada, and therefore equally acceptable in New England, (the prizes having been carried into Boſton); ſo that the loſs was doubly an injury to this country, inaſmuch as the freight of the ſhips fell heavy on the inſurers here at home, and proved a valuable acquiſition to our enemies acroſs the Atlantic. With regard to the fleets captured off Cape

St. Vincent, the alderman complained greatly of the inadequateness of the convoy, considering, that there were five East Indiamen among them. He censured extremely those fleets being suffered to touch at Madeira for the purpose of taking in wine, when every man at all acquainted with nautical matters, had declared, that it was highly impolitic, and that they ought to have kept more to the westward. Touching at Madeira at that time of the year, and suffering it to be known that such was their intention, appeared to him to be just as absurd, as if a man was to tell a robber, who he knew wished to attack him, which way he meant to travel, and what inn he should put up at on the road. The Aldermen mentioned also the unaccountable conduct of the Captain of the Ramilies, who, he said, he understood, was esteemed a gallant and worthy officer; but he had been informed, that the night previous to the capture, the captain of the Ramilies descried nine large ships a head of him; every man he had talked to upon the subject, had given it as their opinion, that the moment these nine ships were discovered, the signal for dispersing should have been hoisted. What could the captain take these nine ships for? He was pretty sure they could not be British merchantmen, he must therefore, strange as the idea was, have taken them for Spanish merchantmen, and under the hope of being able to make prizes of them, had risqued and lost the valuable fleet under his convoy. Having dwelt for some time on the particulars of the two captures, the Alderman at length concluded with declaring, that all he had said, had flown purely and entirely from his zealous regard for his country; he had her interests as much at heart as any gentleman on either side of that House; with a view to further them, and in duty to the city he had the honour to represent, the commerce of which, he thought, had been scandalously neglected, he had now spoken his sentiments, and he ever would speak them honestly and impartially, and not from any personal dislike of his Majesty's ministers; he had not the honour to know one of them, and had as little private pique to them as he had attachment to any of those who wished to get into their place.

Mr. Penton. Mr. *Penton* contended that there was no ground for complaining of the insufficiency of the Quebec convoy, since, when the day of enquiry came, it would be proved to have been equal in force to any convoy sent out with the same trade

trade at any former period. With regard to the captain of the Ramilies, Mr. Penton said, that he was as brave and worthy an officer as any in the service; that orders were already given to bring him to a court-martial, as well for the satisfaction of the public, as for the purpose of enabling him to clear his character; it was not right therefore for gentlemen in that House to prejudge the conduct of an officer so circumstanced, neither was it warrantable or decent to say a word to the prejudice of any officer, till he had been fairly and legally put upon his defence.

Mr. *Minchin* stated a fact within his own knowledge. When the Spanish squadron was ready to sail for America, it was suggested, that by the addition of five ships to Walsingham's squadron the whole might be prevented from joining Guichen, if not destroyed; but five ships could not be found in all the ports of Britain. Mr. *Minchin*

Mr. *Hartley* approved of that part of Lord George Germain's speech, wherein he said, he hoped not to subdue but to regain America. He pressed him very earnestly to think of some conciliatory plan, some object, which being held out to the Americans, might detach them from France. Mr. *Hartley*.

The House divided. Ayes for the address 212: Noes 130.

November 7.

Just as the speaker was putting the question upon bringing up the report on the address, Mr. *Fox* rose, and said he did not mean to give the House trouble, or to say a great deal against the bringing up of the report: he had spoken his sentiments very fully upon the subject the day before. He now rose only to take a moment's notice of a few words which had fallen from a noble Lord high in office, in the course of the debate, the preceding evening—not words personal to himself, for if there were any such in the noble Lord's speech, they were so qualified with Ifs and Whens, that no man could surely think he ought to take notice of them; the words he alluded to were public words, words of business, words of a grave and serious nature, and words which he should undoubtedly have called upon the noble Lord to explain the preceding evening, had he not spoken before for a long time, and had he not seen, that the House were weary of the debate, and anxious to have the question put. As these words, however, had lain upon his mind ever since, he could not now forbear calling upon the noble Lord

to

to tell that House, what he meant by them. The words were, if he took the noble Lord rightly, that "America would treat with this country to-morrow, provided we allowed her independency."—What he wanted to know was, whether America would treat with Great Britain for herself as a separate power, provided her independency was allowed, or whether the noble Lord meant merely to say, that provided we allowed the independency of America, America and France would treat. If the noble Lord meant the former, it became him to tell the House so, because in his opinion, the noble Lord in that case would be the messenger of a piece of extraordinary good news to the House; the chief argument urged the preceding day in behalf of the address, (and a good argument, he really thought it, as far as it went,) having been the argument on which the honourable gentleman who seconded the address principally rested, viz. the extreme difficulty and the little probability of our being able to separate America from France. He therefore called upon the noble Lord to explain.

Lord George Germain. Lord *George Germain* thanked the honourable gentleman for having given him an opportunity of making himself understood on a point, respecting which, he had not perhaps been so explicit as he meant to have been; his words were, if he remembered rightly, that America would never treat with this country, unless her independency were allowed as a preliminary; allow her that, and she would treat to-morrow; but from all the information he had received, he did not believe, nor had he understood, that the Congress of America had at any time expressed an inclination, or given instructions to any person, to treat with Great Britain without the consent of France.

Mr. Fox. Mr. *Fox* said, that now he perfectly understood the matter, and if America would no otherwise treat than jointly with France——

Lord George Germain. Lord *George Germain* interrupted him, and said "those were not my words, though near them; but they convey a different meaning—I did not say jointly with France. I mean the Congress of America, if you allow them independence, will treat, but not without communication with France, nor without the consent of France.

Mr. Fox. Mr. *Fox* made a short reply, lamenting our situation. He said, if America would have treated separately, on the condition

dition of her independency being allowed, that was the very ground, on which a gentleman, now no longer in parliament [Mr. D. Hartley] thought himſelf an enemy to allowing America independency, had always contended this country ought to treat, provided we could not take more advantageous ground.

Mr. H. W. Hartley.

Mr. H. W. *Hartley* ſaid a few words on the ſame ſubject.

Lord Mahon.

Lord *Mahon* ſaid, if the noble Lord, by declaring that America had never given inſtructions to treat with Great Britain but on condition of having her independency allowed, meant that Congreſs had never ſhewn a diſpoſition to treat on other terms, the noble Lord was miſtaken; becauſe in the anſwer of Congreſs to the Commiſſioners, which he had in his hand, the Congreſs gave them the option of two conditions, viz. for Great Britain either to withdraw her fleets and armies, or to allow their independency.

On the queſtion being put, the report was brought up and read in the uſual form.

The Houſe then came to a reſolution not to receive any petions for private bills after the 6th day of February next.

November 8.

The Houſe waited on the King at St. James's, with the following addreſs.

The humble Addreſs of the Houſe of Commons to the King.

Moſt gracious Sovereign,

We, your Majeſty's moſt dutiful and loyal ſubjects, the Commons of Great Britain in Parliament aſſembled, return your Majeſty the thanks of this Houſe, for your moſt gracious ſpeech from the throne.

We beg leave to congratulate your Majeſty upon the ſafe delivery of the Queen, and the birth of another prince; and to aſſure your Majeſty, that we take a ſincere part in every event that contributes to your Majeſty's domeſtic happineſs.

We acknowledge, with the utmoſt gratitude, your Majeſty's condeſcending goodneſs, in your deſire to meet your Parliament at this time, and your gracious expreſſions of attention and regard to the diſpoſition and wiſhes of your people.

We are impreſſed with a due ſenſe of the difficulties of the preſent arduous conjuncture, when the whole force of France and Spain is combined and exerted to ſupport the rebellion in your Majeſty's colonies, and to attack all the dominions of your crown; and when it is but too manifeſt

to

to all the world, that the real views of this most unjust confederacy are to give a fatal blow to the commerce and power of Great Britain, in resentment for the successful efforts which this nation has so often made, to save the liberties of Europe from the ambition of the House of Bourbon.

We have observed with great and just satisfaction, that your Majesty, by the support of your Parliament, and the spirit and bravery of your fleets and armies, has, under the Divine protection, been enabled to withstand the formidable attempts of your enemies, and we offer our most cordial congratulations to your Majesty on the signal successes which have attended the progress of your Majesty's arms in the provinces of Georgia and Carolina, and in which the conduct and courage of your Majesty's officers, and the valour and intrepidity of your troops, have been so eminently distinguished.

We consider your Majesty's earnest desire and solicitude to see the war brought to a happy conclusion as the strongest proof of your paternal regard for your people: but we entirely agree with your Majesty, that safe and honourable terms of peace can only be secured by such powerful preparations and vigorous exertions as shall convince our enemies that your Majesty and your Parliament are united in a firm and stedfast resolution to decline no difficulty or danger in the defence of their country, and for the maintenance of their essential interests.

We are thoroughly sensible that these ends cannot be effected without great and heavy expences, and we will grant your Majesty such supplies as the lasting security and welfare of your kingdoms, and the exigency of affairs, shall be found to require.

Your Majesty may rely, with entire confidence, on the most zealous and affectionate attachment of your faithful Commons to your person, family, and government; and we acknowledge, with the liveliest sentiments of reverence and gratitude, that the constant tenor of your Majesty's conduct shews, that the sole objects of your royal care and concern are to promote the happiness of your people, and to preserve inviolate our excellent constitution in church and state.

His Majesty's Answer.

Gentlemen,

I thank you for this very dutiful address.

I receive

I receive your congratulations on the increaſe of my family, and on the happy recovery of the Queen, as a mark of your loyalty and affection.

I have a firm confidence that the ſupport of my faithful Commons, and the ſpirit of my brave people, engaged in a juſt cauſe, and fighting for their country and their eſſential intereſts, will, in the end, enable me to ſurmount all difficulties, and to attain the object of all my meaſures and all my exertions, a ſafe and honourable peace.

November 9.

At three o'clock the order of the day was called for, for the Houſe to go into a committee on the King's ſpeech. Sir Grey Cooper was called for ſeveral times, and anſwer being returned, "that he was not come down," the cry was, Adjourn, adjourn. The order of the day prevailed, and Mr. Ord went to the table as chairman.

As ſoon as Mr. Ord, as uſual, had read the King's ſpeech,

Mr. *Byng* roſe and obſerved, that in all that ſpeech there was not one word tending to tell the people that their burthens ſhould be lightened and their grievances redreſſed. This country, he ſaid, had nearly exhauſted its reſources, and it was abſolutely impoſſible for her much longer to continue raiſing the immenſe ſums annually requiſite to ſupport the expence of the war. For the enſuing year he was aware the burthen would not bear ſo heavy on the people as it had done of late, becauſe the renewal of the Eaſt India Company's charter, and other matters in proſpect, would materially aſſiſt in producing and furniſhing the chief of the money wanted. It was high time however to look forward, and to endeavour to put an end to ſuch an expenſive, fruitleſs, and impracticable war. Mr. Byng complained of the careleſs manner in which the ſupplies were uſually granted, and ſaid, the indifference with which that Houſe was treated by miniſters, in points that peculiarly fell within the province of Parliament, was aſtoniſhing; he heartily wiſhed to ſee the good old cuſtom of our anceſtors revived, and that the Houſe of Commons ſhould do its duty, and inſiſt on a redreſs of grievances previous to their voting a ſupply. Mr. Byng.

Sir *Philip Jennings Clerke* ſaid, there was in fact an apparent careleſſneſs in the manner in which miniſters called upon that Houſe to vote ſupplies, but in fact there was a great deal of art in it. By doing the buſineſs with ſeeming negligence, miniſters carried an eſſential point. They got the Houſe Sir P. Jennings Clerke.

carelessly to vote the supplies before Christmas, and then, when the ways and means came under consideration after Christmas, if gentlemen objected to any part of them, they were told by the ministers, that having voted a supply, the House had pledged itself to vote ways and means, that the proper time of objection was past, and that the objection should have been made to the supply. On this account Sir Philip begged that gentlemen would attend at the time when the specific articles of the supply were to be voted. At present he had no objection to a general motion, to vote his Majesty a supply, because a supply of some sort must necessarily be voted; but he should have a good deal to say when the time for voting the supplies specifically came, and he thought that day ought to be previously fixed and known, that gentlemen might not be taken by surprise.

Sir George Yonge. Sir *George Yonge* complained of the insulting and neglectful manner in which Parliament was treated. They were now called on to vote a supply to his Majesty, and there was not a single lord of the treasury, nor any one person belonging to the treasury in the House.

While Sir George was speaking, Sir Grey Cooper entered, of which Sir George took notice.

Sir Grey Cooper. Sir *Grey Cooper* made an apology to the House for his absence, declaring he had been detained by his duty at the treasury, and had imagined he should have been in time, had he come half an hour later, but the moment he heard the House was gone into a committee of supply, he hastened to it. He lamented that there should prevail any idea of neglect, and assured the House, that nothing could be more distant from his intentions at any time than incurring the charge of wanting respect for it. His wish was, to have business began earlier each day, than it had been in former sessions, and whatever order the House should be pleased to make, as to the hour of proceeding to business, he should pay strict attention thereto.

Sir P. Jennings Clerke. Sir *Philip Jennings Clerke* rose again, and urged the necessity of appointing some certain day for voting the supply, and letting the House have proper notice of it.

The question was then put, that a supply be granted to his Majesty, which was agreed to by the House.

November 10.

Sir Grey Cooper. Sir *Grey Cooper* moved, that an act of the 17th of his present Majesty, entitled an act for enabling his Majesty to

ſecure and confine perſons guilty or ſuſpected of high treaſon in the colonies or on the high ſeas, be continued for another year.

Sir George Yonge
Sir *George Yonge* thought this too ſerious a matter to be made a thing of courſe, or to be agitated in ſo thin a Houſe. By the deſcription in the bill, every Engliſhman might poſſibly, on pretence of ſuſpicion of treaſonable practices, be committed to priſon. A matter of ſuch ſerious importance as the ſuſpenſion of the *habeas corpus* act, Sir George inſiſted, ought not to be decided upon but in a full Houſe; he therefore hoped that the firſt reading of the bill now moved would be in a full meeting of the Houſe.

Sir Grey Cooper.
Sir *Grey Cooper* did by no means conſider the continuance of the act in queſtion as a matter of courſe. It had been originally well weighed, and ſeriouſly conſidered, in a very full Houſe, ſome years ago, and its neceſſity acknowledged and determined. At that time the rebels in America were the only enemies we had to contend with; ſince that time the rebellion had been ſupported by France and Spain: ſo that the neceſſity of continuing the act had become greater.

Mr. Baker.
Mr. *Baker* agreed with Sir G. Yonge, in regard to the motion before them, for the following reaſons:—During the courſe of three or four years upwards of four hundred perſons had been impriſoned for treaſonable practices, and not one of them had been brought to a trial. Why had they not been brought to a trial? Or how long were they to remain without one? Are miniſters, and not the laws of the land, to determine what ſhall be the fate of British ſubjects? For it appears that miniſters have taken upon them to compromiſe matters ſo far as to make an exchange of perſons ſuſpected or guilty of treaſon for other priſoners: whence it appears that arbitrary will, and not any certain rule, is followed in this matter. He hoped, therefore, that the bill moved for would be conſidered in a full Houſe.

Sir P. Jennings Clerke.
Sir *Philip Jennings Clerke* roſe about three o'clock to make a motion of which he had given previous notice on a former day. He prefaced his motion by ſaying, he ſhould make no apology to the Houſe for troubling them ſo early in the Seſſion, as he concluded every member of a new parliament would be glad to give an earneſt to his conſtituents of his future good intentions towards them. The general voice of the people, expreſſed by their numerous petitions preſented to that Houſe (by which alone their true ſentiments were to be diſcovered) had called aloud for a more frugal expenditure of

the public money, and a reduction of unneceſſary places and unmerited penſions. A right honourable gentleman at that time, and now a member of this Houſe, ever zealous for the intereſt of the public, had propoſed that a commitee ſhould be appointed to enquire into the cauſes of their complaints, and to regulate and adjuſt the public accounts; the noble Lord in the blue ribbon, alarmed at the propoſition, and ſhrinking from the appeal, and a tribunal ſo impartially and ſo honourably conſtituted, ſtepped in between the gentleman and the public, in a manner ſeldom practiſed in that Houſe; produced a bill, appointing a certain number of his own friends to try the imputed crimes or miſmanagement of himſelf and his colleagues in office, annexing a very beneficial ſalary to each of theſe gentlemen; by this management the public was put into the ſituation of a traveller at a Dutch inn. When he complains to the landlord of the extravagance of his bill, he takes it away and makes a conſiderable addition to each article, which the unwary ſtranger is obliged to pay. When the people require a reduction of places and penſions, the noble Lord anſwers them with the appointment of half a dozen new commiſſioners, with a ſalary of one thouſand pounds per ann. each, beſides the expence of a large houſe, houſekeepers, &c. and a new eſtabliſhment of every kind; every part of which expence might have been avoided, and the public at leaſt as well and more ſatisfactorily ſerved by a committee of this Houſe, as propoſed by the right honourable gentleman. I allow it was the opinion of one of the greateſt lawyers, and of the greateſt parliamentary authority at that time, that the appointment could not be lawfully made; that the Commons of England were alone intruſted with the purſe of the people, and they had no right to delegate that truſt to any other perſons; and it muſt appear to every-body that they cannot or ought not to have ſuch right, as there is not a man in this Houſe who would ſuffer his ſteward to put his affairs into the hands of any other perſon, without his conſent,

When the noble Lord named his commiſſioners, he began with an officer of the army, of high rank and great reputation, but one who had a long account of his own to ſettle with the public; but the known honour and integrity of that gentleman, aſſiſted with the intereſt of the noble Lord, overruled the objection. The next gentlemen propoſed by the noble Lord were two Maſters in Chancery. It was remarked,

ed, that these gentlemen, in their own departments, were not much accustomed to accelerate business; but it was answered, that they would have sufficient leisure during the summer vacation to attend to this great business, and much might be done in a few months, and indeed much ought to be done, as the commission was to last only one year. Presuming therefore, that much has been done, I mean to move "that they now report a progress to the House;" a proposition which I think cannot be refused by the noble Lord: for in the last week in the last session, I gave notice that I meant to propose that a committee of the House should be appointed to superintend the commissioners of public accounts.

The noble Lord at that time said the motion was unnecessary, for they were always amenable to the call of the House, and they might require a report of their progress whenever they pleased. I therefore hope the House will think proper to exercise that power at this time, not only to be informed what progress they have made, but also as it may be some guide to direct us in the making our future grants. The commitee of supply sat yesterday for the first time, when the general proposition only was agitated, that a supply be granted to his Majesty; but when the specific ones come under consideration, it may be of use to us to look back to the appropriation last year of the different sums that will now be required for the same purposes; and how far it may be right to enlarge or diminish our grants; for these reasons, he said, he then moved,

"That the commissioners of the public accounts do forthwith report a progress to this House."

The above motion was agreed to nem. con.

Sir Philip then desired to know at what hour it was to be understood the speaker was to take the chair, or at what hour public business was to be entered upon; let it be three o'clock, or half after three or four, but let the hour be fixed.

Sir *Joseph Mawbey* again supported Sir Philip, insisting, either that a later hour, as one or twelve, be appointed for the adjournments, or that some hour should be fixed for the orders of the day being read. He seemed to wait for some reply from Sir *Joseph Mawbey*.

The *Speaker*, who said, that for his own part he had not a wish one way or the other, he would be directed by the House; at the same time he observed, that the necessity of The *Speaker*.

meeting

meeting was not always the ſame, that, according to circumſtances, there might be a latitude of meeting early or late.

Sir Charles Bunbury. Sir *Charles Bunbury* obſerved, that no particular hour could be fixed for reading the orders of the day, for that would depend on the time taken up by the private buſineſs. He conceived, that the reaſon why the Houſe met at ſo late an hour, was the neceſſity the ſervants of the crown were under of attending other buſineſs in the early part of the day; yet he was for fixing the hour of adjournment not at nine or ten, but twelve or one.

Sir George Yonge. Sir *G. Yonge* obſerved, that an alteration in the nominal hour of meeting was of no manner of conſequence, but he wiſhed an hour might be fixed for the orders of the Houſe being moved.

Mr. Charles Jenkinſon. Mr. *Charles Jenkinſon* ſaid, it was not a regard to the convenience of miniſtry only that delayed the meeting of the Houſe; lawyers, merchants, and other men of buſineſs, were employed in the forenoon in private buſineſs, and could not attend that of the public.

A converſation of this kind was continued for ſome time; but a motion having been made and ſeconded, that the Houſe do adjourn, it was carried without a diviſion.

The Report of the Commiſſioners for examining, taking, and ſtating the Public Accounts of this Kingdom, to the Honourable the Houſe of Commons, in purſuance of an order dated the 10th of November, 1780.

To the honourable the knights, citizens, and burgeſſes in Parliament aſſembled.

In obedience to an order of this honourable Houſe, bearing date the 10th November inſtant, "That the commiſſioners appointed by an act, paſſed in the laſt ſeſſion of Parliament, for examining, taking, and ſtating the public accounts of this kingdom, do forthwith report to this Houſe what progreſs they have made therein;"

We report, That as ſoon as the act, by which we were conſtituted, was paſſed, and a proper place for our reception could be provided, we entered upon the execution of the act;

and

and after the neceſſary arrangements of office, and forms of proceeding were ſettled, we in the firſt place, in obedience to the expreſs directions of the act, made uſe of all the neceſſary means for coming at a knowledge of the names of all perſons in the receipt of public money, or to whom public money unaccounted for had been iſſued, that we might direct precepts for an account of the balances in their hands, in order to examine what part thereof might be applied to the public ſervice.

From time to time, as ſuch information (not procured without difficulty, nor without delay) has been obtained, we have iſſued precepts in conſequence thereof, to which, for the moſt part, returns have been made. We have received accounts of the balances in the hands of the receivers general of the land tax, and of the repreſentatives of thoſe who are dead; of the different treaſurers, and repreſentatives of treaſurers of the navy, whoſe accounts are unſettled; of the different paymaſters, and repreſentatives of paymaſters, of his Majeſty's forces, whoſe accounts are unſettled; and of various other claſſes of public accountants: reports of which will be made to his Majeſty, and to both Houſes of Parliament, in purſuance of the directions of the act, as ſoon as ſuch examinations have been taken as are neceſſary to enable us to judge what part of thoſe balances may be immediately taken out of the hands of the public accountants, and applied to the public ſervice.

We began theſe enquiries with the receivers general of the land-tax, of whom we have examined as many as we thought neceſſary, not only as to the public money in their hands, but alſo as to the mode of collecting, receiving, paying in, and accounting for, the taxes received by them. Upon the firſt part of this enquiry, namely, as to the public money in their hands, we are preparing a report, which we hope will be ſoon ready to be preſented.

As the exciſe is one of the moſt conſiderable branches of the public revenue, we have examined ſeveral of the officers in its different departments, as well to be informed of the mode and manner in which it is collected and paid in, as to enable us to judge with what comparative expence, efficacy, and diſpatch, the land tax is collected and paid into the Exchequer.

The

The returns of balances from the treaſurers of the navy, whoſe names as public accountants ſtand firſt in the general certificate of accounts depending in the office of the auditors of the impreſt, are now under our conſideration. We have examined the Right Honourable Earl Temple, repreſentative of the late George Grenville, Eſq. the Right Hon. Lord Viſcount Barrington; the Right Hon. Lord Viſcount Howe; Sir Gilbert Elliot, Baronet, repreſentatives of the late Sir Gilbert Elliot, Baronet; and the Right Hon. Welbore Ellis; and we are now collecting ſuch other information as may enable us to report upon the balances reſpectively in their hands.

In the execution of the truſt veſted in us, we have proceeded with as much expedition as we found conſiſtent with the difficulty and importance of the objects before us, and an exact and impartial attention to the intereſts of the public, and the rights of individuals.

A commiſſion of accounts, to the extent and for the purpoſes expreſſed in the act, is not an ordinary inſtitution; and we have been obliged to content ourſelves with the ſuggeſtions of our own underſtandings, unaſſiſted either by the lights of our anceſtors or the experience of cotemporaries. A reference to the minutes of our proceedings, will, if called for, ſhew that we have at leaſt been diligent and perſevering.

GUY CARLETON,	(L. S.)
T. ANGUISH,	(L. S.)
A. PIGGOTT,	(L. S.)
RICHARD NEAVE,	(L. S.)
SAMUEL BEACHCROFT,	(L. S.)
GEORGE DRUMMOND,	(L. S.)

An Account of the Gross and Nett Produce of the LAND-TAX, for the last Four Years, as far as the same can be made up, viz. from the Year 1774 to the Year 1777, inclusive, distinguishing each Year; within the Division of James West Esq. one of the Auditors of the Court of Exchequer.

1774. 3s. per Pound.

Counties.	Gross Charge. £.	s.	d.	Nett Produce. £.	s.	d.
Bedford	21,416	2	5¾	20,839	9	1¼
Berks	30,632	19	6¾	29,808	2	10¾
Bucks	35,357	6	10¼	34,405	5	8¼
Cambridge	24,515	12	3¼	23,855	9	11¾
Cornwall	23,957	5	10½	23,3[illegible]	4	0
Cumberland and Westmorland	5,069	6	6⅜	4,932	16	7⅞
Devon	61,937	13	0	60,269	17	5¼
Dorset	24,809	18	4⅞	24,038	14	6¼
Essex	67,049	8	10½	65,244	0	8½
Glocester	35,478	14	10½	34,511	0	4
Hereford	15,307	7	11¼	14,803	6	7¼
Hertford	31,712	0	4½	30,845	19	5¾
Huntingdon	11,622	18	9	11,309	19	8
Kent	61,914	19	11¾	60,247	16	6¾
Lancaster	15,745	3	5	15,321	4	2½
Leicester	26,013	16	9¼	25,313	7	6¾
London, Westminster and Middlesex	221,544	10	0¾	21[illegible],578	19	4¾
Norfolk	63,233	0	5½	61,530	7	5½
Northampton and Rutland	39,899	16	9¼	38,825	9	5¾
Oxford	29,011	6	10⅜	28,243	19	2⅞
Salop	21,793	0	0¼	21,206	3	7¾
Somerset	54,358	7	3¾	52,752	16	2¾
Southampton	41,205	13	5½	40,096	2	9
Stafford	20,340	17	8¼	19,793	3	8¼
Suffolk	55,132	18	6¼	53,648	7	8¼
Surrey	49,599	15	4½	48,264	4	3
Sussex	45,026	14	8½	43,814	6	3½
Whitehall and St. James's Palaces	23,065	14	8¼	22,444	13	1¾
Warwick	29,842	6	3	29,038	15	2
Wilts	38,743	5	9¾	37,700	1	6¾
Worcester	25,186	15	2⅛	24,334	11	10⅜
York	68,626	18	11	66,691	9	7
Durham and Northumb.	18,861	13	9	18,259	16	11½
	1,338,043	11	10¼	1,301,282	3	10½
Insupers returned, and given in charge, to be levied by the sheriffs	—	—	—	752	13	4¼
Totals £.	1,338,043	11	10¼	1,302,034	17	2¾

1775. 3s. *per Pound.*

Counties.	Gross Charge. £.	s.	d.	Nett Produce. £.	s.	d.
Bedford	21,416	2	5½	20,839	9	1½
Berks	30,632	19	6¾	29,808	2	10¾
Bucks	35,357	6	10¾	34,405	5	8¼
Cambridge	24,515	12	3½	23,855	10	0
Cornwall	23,957	6	2¾	23,312	4	4¼
Cumberland and Westmorland	5,069	6	6⅜	4,932	16	7⅞
Devon	61,939	13	0¼	60,271	16	4¾
Dorset	24,809	18	4⅞	24,038	5	9⅜
Essex	67,049	8	10½	65,244	0	8¼
Glocester	35,478	11	5¾	34,523	5	0¾
Hereford	15,307	9	0	14,895	5	6½
Hertford	31,712	0	4½	30,772	12	6½
Huntingdon	11,622	18	9	11,309	19	8
Kent	61,914	19	11¼	60,247	16	6¼
Lancaster	15,745	3	5	15,321	4	2½
Leicester	26,018	16	9¼	25,318	4	10¼
London, Westminster, and Middlesex	221,544	10	0¾	215,578	19	4¾
Norfolk	63,238	0	7½	61,535	4	11
Northampton and Rutland	39,897	16	9¼	38,683	3	8¼
Oxford	29,041	6	10⅜	28,242	8	3⅜
Salop	21,793	0	0¼	21,206	3	7¼
Somerset	53,358	4	10½	52,689	19	3
Southampton	41,205	16	6½	40,096	5	10
Stafford	20,340	17	8¼	19,793	3	8¼
Suffolk	55,132	18	8¼	53,648	7	10¼
Surrey	49,599	15	4½	48,053	3	9½
Sussex	45,026	16	6½	43,814	8	1½
Whitehall and St. James's Palaces	23,065	14	8¼	22,414	13	1¾
Warwick	29,842	6	2	29,038	15	1
Wilts	38,743	5	9¾	37,700	1	6¾
Worcester	25,186	15	2¼	24,386	18	11¾
York	68,622	6	1	66,774	10	8½
Durham and Northumberland	18,861	13	9	18,262	14	3½
	1,338,048	19	9⅜	1,301,045	2	3⅜
Insupers returned, and given in Charge, to be levied by the sheriffs				1,001	13	3½
	1,338,048	19	9⅜	1,302,046	15	6⅞

1776. 4s. per Pound.

Counties.	Gross Charge.			Nett Produce.		
	£.	s.	d.	£.	s.	d.
Bedford	28,554	16	0¼	27,785	18	5¼
Berks	40,843	19	5	39,744	3	7½
Bucks	47,142	19	6½	45,873	11	5½
Cambridge	32,700	3	0	31,819	12	8
Cornwall	31,943	1	1½	31,082	18	6
Cumberland and Westmorland	6,759	2	0½	6,577	2	1
Devon	82,583	13	1	80,264	4	7
Dorset	33,079	18	1	32,052	14	11½
Essex	89,399	5	2	86,992	0	2½
Glocester	47,313	15	2½	45,982	11	10½
Hereford	20,409	19	1½	19,860	7	11
Hertford	42,282	13	10	41,144	3	3
Huntingdon	15,497	5	0	15,079	19	3½
Kent	82,553	6	9	80,330	8	6½
Lancaster	20,993	5	1½	20,427	19	7
Leicester	34,685	2	4	33,751	3	1½
London, Westminster, and Middlesex	295,392	13	4½	287,438	12	4½
Norfolk	84,310	12	3½	82,040	7	10½
Northampton and Rutland	53,197	2	4½	51,764	13	8
Oxford	38,723	17	10¾	37,587	4	3½
Salop	29,058	12	11½	28,276	4	0½
Somerset	72,478	8	3	70,331	10	7½
Southampton	54,941	8	2¾	53,462	0	2¼
Stafford	27,121	3	7	26,390	17	10½
Suffolk	73,510	10	6	71,531	2	5
Surrey	66,133	0	6	64,235	9	4½
Sussex	60,050	4	10	58,433	5	5
Whitehall and St. James's Palaces	30,754	6	3	29,926	4	
Warwick	39,789	15	0	38,718	6	
Wilts	51,657	16	1	50,266	16	6½
Worcester	33,582	6	11	32,678	1	8
York	91,495	19	11¾	89,032	6	0¼
Durham and Northumberland	25,148	15	10½	24,471	12	6½
	1,784,088	19	9	1,735,353	15	11¾
Insupers returned, and given in charge, to be levied by the sheriffs	—	—	—	714	10	9¾
	1,784,088	19	9	1,736,068	6	9½

Counties.	1777. 4s. per Pound. Gross Charge. £.	s.	d.	Nett Produce. £.	s.	d.
Bedford	28,554	16	0¼	27,785	18	5¼
Berks	40,843	19	5	39,599	11	9½
Bucks	47,142	11	8½	45,873	3	9½
Cambridge	32,700	3	0	31,819	12	8
Cornwall	31,943	2	7½	31,083	0	0
Cumberland and Westmorland	6,759	2	0½	6,577	2	1
Devon	82,583	10	9	80,359	16	5½
Dorset	33,079	18	1	32,052	14	11½
Essex	89,399	5	2	86,992	0	2¼
Glocester	47,319	0	2½	45,695	10	1
Hereford	20,409	19	9	19,860	8	6½
Hertford	42,282	13	10	41,144	3	3
Huntingdon	15,497	5	0	15,079	19	3½
Kent	82,553	6	9	80,330	8	6½
Lancaster	20,993	5	1½	20,273	8	10
Leicester	34,685	2	4	33,751	3	1½
London, Westminster, and Middlesex	295,392	13	4¼	287,438	12	4½
Norfolk	84,310	12	3½	82,040	7	10½
Northampton and Rutland	53,199	12	4½	51,767	2	5
Oxford	38,726	7	10¼	37,551	13	10¼
Salop	29,058	12	11½	28,222	1	8
Somerset	72,478	7	3½	70,392	16	4½
Southampton	54,941	0	1½	53,461	12	3
Stafford	27,121	3	7	26,390	17	10½
Suffolk	73,510	10	6	71,531	2	5
Surrey	66,133	0	6	63,789	2	4
Sussex	60,050	4	10	58,433	5	5
Whitehall and St. James's Palaces	30,754	6	3	29,926	4	5
Warwick	39,789	15	0	38,718	6	11½
Wilts	51,657	16	1	50,266	16	6½
Worcester	33,582	6	11	32,390	8	6
York	91,506	1	0½	89,042	1	10
Durham and Northumberland	25,148	15	10¼	24,471	12	6¼
	1,784,108	8	8¼	1,734,112	7	3¼
Insupers returned, and given in Charge, to be levied by the sheriffs				2009	16	4
	1,784,108	8	8¼	1,736,122	3	7¼

Office for Taxes, February the 29th, 1780.—This account was received from James West, esq. one of the auditors of the Court of Exchequer.—It could not be made up to a later period, as there are still arrears outstanding in the country for 1778. *Cr. Rigby, George Blount, J. Eames, G. Heathcote.*

An Account of what Arrears of Land Taxes were standing out at Lady Day, 1779; with the Names of the respective Receivers in whose hands the said Arrears remain, and what Proceedings have been had to compel the Payment thereof.

Counties.	Receivers.	Taxes.	Arr. at L. D. 1779.		
		3. 4s. Aid 1695	1,047	9	0
Chester, (1)	Morgan Whitely	4. 4s. Aid 1696	4,784	17	7¾
		3s. 1st and Sub. 1697	2,314	9	10¼
		4. 4s. Aid 1696	2,133	5	5½
Wales,	Do. -	3s. 1st and Sub. 1697	8,477	0	2½
		2. 3s. Aid 1698	6,265	10	4¼
Norfolk, (2)	Aug. Briggs	3s. 1st and Sub. 1697	1,477	12	10
		2. 3s. Aid 1698	5,334	17	0¾
Cambridge, (3)	John Mason -	2. 3s. Aid 1698	754	2	10
Somerset, (4)	George Dixon	10. 4s. Aid 1707	20,422	6	0
Lincoln, (5)	Wm. Cawthorpe	9. 4s. Aid 1706	4,459	16	2¼

Proceedings and Observations.

(1) This receiver's estates were extended; he did in prison, and his sureties compounded by act of parliament.

(2) This receiver's estates were extended; he died in prison, and his sureties compounded by act of parliament.

(3) This receiver died insolvent, and his sureties compounded by act of parliament.

(4) The appeal which was many years ago depending before the House of Lords, touching the debt due from Mr. Charles Mason to Sir Biby Lake and Mr. Newell, who was security for this receiver, was determined in favour of the crown; but the mortgage to the late Sir Biby Lake being prior to the crown's debt, the mortgage money was to be first paid; the estate has been since sold, and has not been sufficient to satisfy the mortgage, and therefore we apprehend there is nothing left for the payment of the crown debt.

(5) This receiver died insolvent; his sureties were prosecuted, but nothing recovered.

Counties.	Receivers.	Taxes.	Arr. at L D. 1779.		
Leicester,	(6) Ben. Blundell	7. 3s. Aid 1719	513	0	1
		8. 3. Aid 1720	12,298	15	8
Hertford,	(7) Jonathan Smart	8. 2. Aid 1724	1,362	15	11½
		9. 2s. Aid 1725	5,445	2	2
Durham, York and Northum.	(8) Cha. Wilkinson	10. 2s. Aid 1726	3,856	8	1
Norfolk,	(9) William Pacey	10. 2s. Aid 1726	728	5	0
Wales, No.	(10) John Meredith	11. 3s. Aid 1729	3,222	0	0
		11. 2s. Aid 1730	5,568	11	0
Suffex,	(11) Nicholas Dee and Edward Dee	14. 2s. Aid 1735	336	0	0

Proceedings and Obfervations.

(6) There is nothing further to be expected from this receiver's, or his fecurity's effects.

(7) Mr. Smart the receiver being long fince dead, the fuit which was then depending, touching his eftate and effects, abated thereby, and letters of adminiftration were granted for the ufe of the crown; and his only fon and heir, which was then in India, dying foon after, a bill of revivor was filed, for reviving that fuit; there was a receiver appointed by the court of Exchequer upon the eftate, which was very fmall, ill-tenanted, and part of it had been often in hand, fo that little was produced from it; and his fecurities have been many years dead infolvent.

(8) The eftates and effects of this receiver were vefted in truftees for the ufe of the crown, and great fums have been paid into the Exchequer; and there is a fmall eftate remaining, upon which there is a receiver appointed, who pays the profits annually in fatisfaction of the crown debt.

(9) The receiver left an eftate in Ireland, for the fale of which it was thought neceffary to obtain a decree in the court of Exchequer there, and a fuit was commenced for that purpofe; but by reafon of the many prior incumbrances, it was found impracticable to recover any part of the debt.

(10) Extents have been iffued, and feveral fums raifed; but nothing more is expected.

(11) Greateft part of the eftates of thefe receivers have been fold, and the purchafe money paid into the Exchequer, and nothing further expected to be received.

Devon

Counties.	Receivers.	Taxes.	Arr at L. D. 1779.		
Devon, (12)	Ethereld Davey	17. 2s. Aid 1735	1,881	9	3
Wales, No. (13)	James Bull -	19. 4s. Aid 1741	4,176	0	0
Huntingdon, (14)	Phil. Chapman	24. 4s. Aid 1746	2,322	9	5½
Wales, No. (15)	Richard Lewis	25. 4s. Aid 1747	268	10	9
Southampton, (16)	Jno. Sheppard	26. 4s. Aid 1748	1,219	14	0
		27. 4 Aid 1749	5,100	5	0
Wales So. (17)	Wm. Williams	21. 2s. Aid 1755	180	0	0
		28. 4. Aid 1756	360	0	0
		29. 4. Aid 1757	4,826	4	4
		30. 4. Aid 1758	2,509	9	0

Proceedings and Observations.

(12) There was a prior extent issued out by the commissioners of customs, who took possession of the receiver's estates, which were insufficient to satisfy the debt due to the customs.

(13) The estate and effects of this receiver were assigned to a trustee, and sold, for raising money for satisfaction of the crown debt; several sums of money have been paid into the Exchequer in consequence of such sale, but nothing more can be received.

(14) Upon this receiver's failing, extents were issued against him, on which his person was secured, and all his estate and effects, which could be discovered seized; several sums have been raised thereout, and paid into the Exchequer, and his sureties have since compounded by act of parliament.

(15) Process went against this receiver into Wales, which never could be got executed.

(16) Upon this receiver's failing, a writ of *Diem clausit extremum* issued against Edward Hooker, one of his sureties, and afterwards extents against himself; whereupon he and his other security, Francis Sheppard, conveyed their estates to William Yeldham, Esq. a trustee for the crown; and all the receiver's estates have been sold, from whence, and also from the effects of the said Hooker, many thousand pounds have been paid into the Exchequer; but nothing more can be received.

(17) This receiver has been dead many years, and his securities have obtained an act of parliament for compounding the debt due to the crown, and a case is now before his Majesty's attorney general, for his opinion how to proceed in the most effectual and speedy manner, for recovering the money.

Counties	Receivers.	Taxes.			Arr. at L. D. 1779.		
Wales, So. (18)	Leo. Bel. Gwyn	40. 4s.	Aid	1776	14,160	0	0
Stafford, (19)	James Bailey	35. 4s.	Aid	1763	383	15	0
		36. 4s.	Aid	1764	2,354	19	
Hereford, (20)	Tho. Lane	37. 4s.	Aid	1765	1,920	0	
		38. 4s.	Aid	1766	11 886	13	9½
		15. 3s.	Aid	1767	8,121	12	
Suffolk, Pt. (21)	Miles Wallis	22. 3s.	Aid	1775	19,230	18	2

Proceedings and Observations.

(18) This receiver's estates are agreed to be made over to trustees, to receive the rents and profits thereof in satisfaction of the crown debt, or to sell the same, if it should be found necessary. It is to be observed, that if these accounts were passed, there would be a deduction of upwards of 6,000 l. paid to the militia.

(19) Several sums of money have been paid on this receiver's accounts: a decree of the court of chancery was obtained for the sale of his estates, under which they have been actually sold; the money is ordered to be paid by the purchaser into the bank, with the privity of the accomptant general, and the crown is directed to be paid out of it.

(20) This receiver's estate was extended, and the court of Exchequer has appointed a receiver, who passes his accounts annually, and pays the balance into the Exchequer in diminution of this debt. It is to be observed, that if these accounts were passed, there would be a deduction of 8000 l. paid to the militia.

(21) The receiver died insolvent; but his sureties have, since his death, paid large sums of money, and, from the sufficiency of their property, we are confident the whole arrears will be paid by them. It is to be observed, that if these accounts were passed, there would be a deduction of 2,968 l. 1s. 6d. for militia payments, surveyors salaries, poundage, and other articles.

Office for Taxes,
Feb. 29, 1780.

The following speech not coming to hand time enough to be inserted in its proper place, we must beg the reader would cancel Mr. De Grey's speech in page 27 of this volume, and substitute the following authentic copy in its stead.

Mr. *De Grey* acquainted the House, that he had in his hand a motion for an humble address of the thanks of this House to his Majesty, for his most gracious speech from the throne. Mr. *De Grey*.

That before he touched upon the different topics which were contained in that speech, he should desire to propose the congratulations of the House to his Majesty on the safe delivery of the Queen, and on the birth of another prince. That he was so throughly convinced of the unanimous approbation such a clause would meet with, that he should trouble the House no longer upon that topic, than to observe how much satisfaction the nation received from the attention that their Majesties had given to the education of the royal offspring, and for their having considered them not only as their own children, but as those of the state; and that the result of this attention was already sufficiently apparent, and he hoped would be universally acknowledged. That he was as free as any gentleman to confess that no parliament ever met at a more important moment than the present, and that the nation never watched with a more anxious eye the opinions and conduct of their representatives.

That occasions would present themselves hereafter for entering into debate upon the various matters which were the subject of his Majesty's speech; that all we had now to do, was to profess our loyal attachment to his Majesty, and to assure him of such support as the difficulty and danger of the times might require. That those difficulties were the consequence of our former glories: that tho' our power and our commerce, great as it had been, had never been employed injuriously or contrary to the faith of treaties, yet it had created a degree of envy and resentment in our rivals, which they had thought this was a proper opportunity to make manifest; and sorry as he was to ascribe such motives to any nation, yet he was afraid the truth of the assertion was too glaring to be controverted.—That not contented with exercising her own force against us, she had called in Spain to her assistance, and had seduced the unhappy Americans to exchange the protection of this country for

 that

that of a ſtate whoſe principles and maxims of government and of religion, were in every inſtance contradictory to their own.

That it was now no queſtion about independency and allegiance: Great Britain could not at this inſtant of time give independence to America, nor could America reſtore herſelf to Great Britain.——Whoever wiſhed well either to Great Britain or America, muſt try to reſtore them to each other, as the ſureſt means of preſerving both. That the Houſe was no longer to be blinded by the ſpecious parade of a treaty of commerce, for the object of hoſtility was avowedly upon record: and France made no ſcruple of inviting Canada to withdraw her allegiance, and of promiſing the whole force of France to aſſiſt in accompliſhing this object, *as* (in the words in which the declaration, lately publiſhed, ſtated it) *a firſt condition of the alliance between France and America.*

It was evident, ſaid he, that if this was the actual ſituation of things, it could never remain as it then ſtood. You muſt puſh the war, or you muſt ſue for peace; it would be ridiculous to ſue for peace, without firſt having made vigorous preparations for war. If you did, what terms could you expect from an inſolent and a haughty enemy? Would you make peace whilſt America was left under the controul of a French army?—Would you agree to give up a ſhare of your Newfoundland fiſheries, and a monopoly of your trade to France? And if you did, what would be the fate of your Weſt-India iſlands, of your nurſery for ſeamen, of your navy itſelf? And what would become of your extenſive territories, and of your rich ſettlements in the Eaſt-Indies, which conſtituted ſo material a part of the empire of Great Britain?—If no man born a Briton, and feeling the principles of affection to his country, which he truſted were common to that audience, the alternative was obvious—you had no choice left—you muſt withſtand the attack—you had hitherto withſtood it under Providence, by the bravery and ſpirit of Sir George Rodney—by the vigilance of General Vaughan—by the gallant defence of General Prevoſt, who, in an open and defenceleſs country, had withſtood the combined forces of France and America—by the gallant conduct of Sir Henry Clinton, which put us into poſſeſſion of Charles Town, and the whole ſouthern army under Mr. Lincoln—by the late brilliant

brilliant victory of Lord Cornwallis, brilliant for the design of the attack, for the courage of the execution, and for the alacrity with which Colonel Tarleton followed up the blow; the mentioning that officer put him in mind of major Moncrief, whose services he ought not to have passed over when he spoke of the siege of Charles Town. He expatiated also, upon the merit of Lord Rawdon, and spoke of the pleasure he felt at the dawn of his Lordship's military talents, from which his country had reaped such signal and distinguished advantages.

But he might be told indeed, by way of answer to all this, that your resources which are *et subsidia belli et ornamenta pacis* were exhausted, and the country drained by taxes, and impoverished by expence. It might be true; but what would you obtain by inactivity, and by meanly soliciting peace, which you probably would not obtain; or if you could obtain it, you would have but little hopes of preserving it. That, however, all he had now to do, was to promise such support, as it was at once our interest and our security to give, and was in conformity to those assurances contained in the address of the 17th March 1778, upon the French ambassador's declaration, to which he referred, and which he wished gentlemen to act up to both it letter and in spirit; that if the quantum or the application of any sum proposed was to be questioned, the proper time for questioning it would be in a committee of supply, when the sum itself, and the service to which it was to be appropriated, could fall at one and the same time under your consideration. That one thing gentlemen would consider in the nature of that application, it was not to make additions to your empire that we undertook that war, nor to enlarge conquests already, perhaps at least, sufficiently extensive for the bulk of the empire at large, but we had as the object of our contest, the preservation of all that was necessary to our honour, and perhaps to our existence. And as it was manifest upon a cool and dispassionate review of the whole of his Majesty's reign, that not a single instance could be traced in which the line of the constitution had been passed over, and in which its principles had not been inviolably adhered to, for the preservation of our internal liberties, it would be disgraceful indeed if that should not be an incitement to us to exert ourselves at all hazards to secure them from foreign violence.

November 13*.

Sir Grey Cooper. Sir *Grey Cooper*, brought up the bill for taking away for one year the benefit of the Habeas Corpus, from all persons suspected of committing high treason in his Majesty's colonies and plantations abroad.

Mr. Baker. Mr. *Baker* observed, that out of the many persons detained on suspicion, not one had yet been tried: The bill in question therefore was an unjust power given to the servants of the crown, to keep in perpetual imprisonment all whom they might think proper to suspect of having committed high treason beyond seas. A very bad use had been already made of this power; a person who had been taken into custody before the enacting of the bill, had been kept on ship-board, and shifted from vessel to vessel, lest a Habeas Corpus should free him, before the bill, which was then depending, passed; yet, notwithstanding all this, the person alluded to was at last discharged, after 15 months confinement, without ever being brought to trial. Among the 400 persons now confined, many probably have been taken with arms in their hands; in America such people were exchanged as prisoners of war; why did not ministry then exchange those whom they detained in England, or, at least, bring them to trial?

Sir Edward Astley. Sir *Edward Astley* also objected to the bill; complained at the same time of the duration and expence of the American war, which, in the end, he said, must bring ruin upon this country.

Sir Grey Cooper. Sir *Grey Cooper* begged gentlemen would recollect, that the distance from the place where the crime was supposed to be committed, necessarily made it a work of time to bring over the witnesses, both for and against the prisoners; and to hurry them to trial when the minds of men were heated, would be as inexpedient as it was cruel. With respect to the bill itself, it was far from being a new thing. Similar bills had passed in the reigns of William, Anne, George I. and George II. In the last reign, it had even been continued for three years; so that gentlemen might see it was not the offspring of the present administration, who acted from precedent, a precedent adopted through necessity. The bill was then read a first, and ordered to be read a second time.

Mr. Minchin. Mr. *Minchin* gave notice, that he should, on a future day, move for leave to bring in a bill, empowering certain persons therein-named, to act as justices of the peace in times of riot and public tumult, and to take upon them the command and

* On the 10th the House adjourned to this day.

direction,

direction, of all such military forces, as it might be necessary to employ in the suppression of such disturbances.

Right Hon. *T. Townshend* said, it had been his intention to have moved the House that day, "to vote on thanks to Sir Fletcher Norton, Knt. for his faithful, diligent and able discharge of his duty as speaker, for the last ten years;" but as he heard a noble Lord [Lord North] was not well enough to attend, he had done himself the honour to enter into a correspondence with that noble Lord upon the subject, and though he did not find the noble Lord meant to oppose his motion, yet he would postpone it till a future day, when the noble Lord was likely to be present. **Right Hon. T. Townshend.**

Lord *Mahon* called the attention of the House to a fact, which he thought merited their serious notice, and he said, he would the rather state it then, as he saw the noble Lord, at the head of the American department, was present, who, he presumed, was the best able to give the House full information respecting it. The fact he alluded to, according to his information, was this: **Lord Mahon.**

"That upon the 9th of August last, one English ship of the line, six frigates, and a cutter, went to the island of St. Martin's, belonging to the Dutch, (situated, as gentlemen well knew, not far distant from the island of St. Eustatia) and that the English commanding officer was said to have debarked troops upon the said Dutch island, and had demanded, in the most peremptory manner, that seven American vessels which had taken refuge in that neutral port, should be instantly delivered up, as also such parts even of their cargoes which had already been carried on shore, sold to the Dutch, and stored in the Dutch warehouse. That the same information said, that the English commanding officer had threatened, that in case of refusal, he would lay waste the Dutch island of St. Martin, by fire and sword. That the Dutch governor of the island, infinitely surprized at such an extraordinary proceeding, but unable to resist so superior a force, had required of the English commanding officer, that he should give him a written declartion that he acted in this manner by orders, under the authority of his court; and this being complied with, (as the same information said) the Dutch governor had found himself compelled to submit to this flagrant and most unjustifiable act of violence."

The fact he had stated, his Lordship said, was a daring violation of the law of nations. So notorious an insult to a neutral power, his Lordship reprobated in very strong terms. He

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asked if this country had not enemies enough to cope with at present? Whether America, France, and Spain united, did not give the arms of Great Britain sufficient employment? Whether it was wise or politic to offend any of the neutral powers, who had now a very respectable naval force afloat? These were questions, his Lordship said, which every man must feel the force of; every man besides must know, that we should treat others as we wished to be treated ourselves. We ought to do as we would be done by; he therefore called upon the noble Lord to give the House some satisfaction on the point he had mentioned, and to tell why ministers had so unadvisedly authorized the most unjust and impolitic breach of the law of nations, which he had stated.

Lord *George* *Germain*. Lord *George Germain* said, the noble Lord had supposed, that his situation in office, gave him a full opportunity of knowing the affair, to which he had alluded; he begged leave to remind the noble Lord, that the transaction was altogether of a maritime nature, and that the official account of it, if any had arrived, was to be had from the Admiralty, and not from him. No account of the affair, he could venture to say, had arrived at the Admiralty, unless it had come that morning; but as he happened to have heard of the matter from one of the West-India islands, though he was far from admitting the doctrine, that he or any other man in office was obliged to rise and answer any questions put to him by any honourable member standing up in his place, he would now, as he was ready to do at all times when he had it in his power, to satisfy gentlemen, state what he knew of the transaction. He had heard it to have happened in this manner: some of Admiral Rodney's fleet came in sight of several vessels, which from their making away from them, they discovered to be enemies; they pursued, and the American ships that were chaced, made the best of their way for that part of the island of St. Martin which belonged to the Dutch. As soon as they got into the harbour, they hoisted their American stripes, and assumed an air of triumph and defiance; upon this, the British commander ordered in a part of his squadron to cut them out; whereupon the Dutch governor sent word, that if the British commander persisted, he would fire upon his ships, the English officer's answer to which was, that his Admiral (Admiral Rodney) had given orders for what he was doing, and that if the Dutch governor offered to fire, the British ships should return it upon the port. His Lordship said, he had not heard that any mention was

made of Admiral Rodney's having orders from home for any part of his conduct in the affair, neither had he heard that the Dutch governor requested to have the British commander's reasons, for his resolving to cut out the ships, stated in writing. A full representation of the affair had already been received in Holland, where the matter had been complained of, and a representation of it, ministry knew was drawn up in Holland, and was to be sent to them. It had not yet come over; when it did, and it was ascertained in what manner the Dutch stated the facts, alluded to by the noble Lord, our court would in consequence give an answer, and the House then might proceed upon it, as they thought proper.

The order of the day to go into a committee of supply was called for, upon which

Mr. *W. H. Hartley* rose and said, Sir, before you enter upon the business of supply, permit me to request the indulgence of the House for a few minutes, and I take the liberty of doing it before you leave the chair, to express my sentiments, which I have in common perhaps with other members of this House, who, anxious to take a part, that may give strength and vigour to the exertions of this country, are yet concerned at the fatal war that is carried on, and do not chuse to give their assent to all the measures which are pursued. Upon the general question of supply, I am therefore now desirous to explain myself, that whether I shall give my voice for the sums required or withhold my assent, I may not on the one hand appear unwilling to join in the defence of my country, or on the other, be supposed to approve the propriety of the war, and place a confidence in the conduct of those who have the direction of affairs. Mr. *W. H. Hartley.*

It is matter of the greatest consolation to my mind, that ever since I had the honor of a seat in this House, I have withstood as far as an unavailing vote would go, those measures which have proved so destructive to this country; what has contributed to the delusion, or where the fault has been, I wish not to enter upon at present, being free to give my opinion whenever an inquiry shall be made into the subject. However, when we see the country in such a situation, surrounded by so many open foes, involved in a fatal war with those who were once our fellow subjects, united by every tie, and with whom every person must wish a reconciliation to take place; when we consider these circumstances, it seems necessary to take some different steps to restore us to peace and safety. To extricate ourselves from these difficulties, reduced as we

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are almoſt to ſtand ſingle againſt the world, (the conduct of the neutral powers giving reaſon for alarm inſtead of brightening the proſpect,) the moſt prudent councils, and the moſt vigorous exertions are neceſſary, as we muſt truſt to our own powers for our defence. To avail ourſelves in the beſt manner of our force, two things appear to me neceſſary, to have the confidence and approbation of the country at home, and to lay hold of every opportunity, and take every method to promote peace, to ſhew our ſincere deſire of reconciliation with our American brethren. We may then ſtand upon firm ground: ſhould France and Spain be deſirous of agreeing to a ſafe and honourable peace, that event may take place; but ſhould their ambition and confidence in their power make them wiſh to continue this deſtructive war, our united force might make them lament their error, and America ſeeing the injuſtice of their conduct, return to friendſhip and union with us. The advantage of unanimity has been often, and muſt be deſervedly preſſed as the means of carrying terror to our foes, and making other powers reſpect us: where it ariſes from a confidence of ſalutary meaſures being purſued, it will have that effect; but if it means only ſupporting a ſet of men, or a chain of meaſures, the conſequence of which has been detrimental to the intereſts of the nation, it will be betraying our country, and only expoſing our weakneſs to the enemy. It is hardly poſſible to mention the name of miniſters without being ſuppoſed from party motives, to be deſirous either of attacking or defending them, a charge which is equally bandied about from one ſide of the Houſe to the other. For myſelf perſonally, I can only ſay, that if it were not for the meaſures that are purſued, it is matter of as much indifference to me how long the preſent miniſters keep their places, as it is probably to them, what my opinion is upon the ſubject. When we hear, however, the common topic, and what is moſt inſiſted upon as a reaſon for ſupporting them, that no one knows where to get better, one cannot help reflecting how juſt the anſwer is, that if we are to be determined by facts, or the ſucceſs even of their own plans, the country muſt be unfortunate indeed, were there a poſſibility of its being hurt by the trial. But though this reaſoning may ſupply the place of argument, what muſt our country, our conſtituents, think of this Houſe, when every action is attributed to party, and not even the appearance of virtue ſuppoſed to exiſt? How long will the independent members of this Houſe ſuffer ſuch reproach? Why will not thoſe who ſeek

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not emoluments for themselves, and who, however they may have differed in some points, have only the honor and interest of their country at heart, come forward, and by that conduct which would make them respectable, hold the balance their weight and consequence gives them, between the power of ministers, and those who might wish to obtain their places solely for their own interest? Were measures the criterion by which to judge of the men, no longer should we see a minister supported by those who do not approve his proceedings, because he tells them, those who might succeed him would do worse, nor would any persons be afraid of giving countenance to other men, whose present measures they might think right, lest they should alter their conduct when in power, because they would be then equally justified in opposing them. The minister, and the opposition, which must always exist in a free country, would be rivals in their attention to the interests, in order to obtain the good will of the nation, which would profit by such an event. But I fear, Sir, this is rather to be wished than to be expected, the voice of independence is too little heard, and the torrent of interested persons bears down all before it.

I beg pardon of the House for presuming to take up their time, and hope they will receive as my apology, that, feeling the situation I have described myself in so strongly, as desirous of supporting my country, and yet disapproving the measures carried on, that I was unwilling to sit silent at this moment. I will conclude, Sir, with many thanks for the indulgence of the House, and with their permission, by reading as a part of my speech, the form of a motion for an address, which, though I do not presume to move, contains an explanation of my sentiments, better than, I fear, I have been able to express myself, and which I should be happy to see adopted.

The address was expressive of loyalty and affection to his Majesty, and declared that his Majesty's faithful Commons were ready to support the honour and dignity of the Crown, and to exert themselves to the utmost in defence of the dominions, and in the protection of the rights and liberties of this country. It declared, that the first object of their attention, in which they doubted not they should receive his Majesty's concurrence, would be to maintain inviolate the principles of this free and happy constitution, and preserve it from those dangers the corruption and necessities of the times might expose it to. And lastly, it declared, of how much consequnce it was to the state, and how beneficial it would prove to both

 countries,

countries, to procure a reconciliation between Great Britain and America; that though from the fatal consequences of the war, the mode of obtaining it might be difficult, a change from the horrors of war to measures of peace, might be productive of union; and prayed his Majesty to take such steps as might promote so desirable an end.

Mr. Adam. Mr. *Adam* rose, and prevented the speaker from leaving the chair, by introducing a matter which he declared very much called for the attention of the House. He then said, he wished to mention something relative to the internal situation of this country, and that he could not chuse a properer time, than when the House was to proceed upon a vote, the consequence of which was, to enable the nation to support itself against its enemies. That in the present internal distracted situation of this country, he could hardly tell what force would be sufficient without the unanimity, which the hon. gentleman [Mr. Hartley] talked of, whom he thanked for having given him an opportunity of expressing himself relative to a matter which very much interested him. He meant to allude to the committees of association, which had spread such baneful effects over this country, and which had given so much encouragement to its enemies. Before he proceeded to the particular subject, to which he meant to call the attention of the House, he stated that the American Congress in their publications to encourage the people to persist in rebellion, had held out the distracted state of this country to them, by means of the committees of association, as one of the principal inducements to the Americans to persevere in their exertions; but he added, that those assemblies had not confined themselves merely to public transactions, nor was the encouragement of our enemies the only thing that they had done, to disturb the peace, and prevent the unanimity of this country. They had in the most unjustifiable and unprecedented manner basely attempted to ruin the characters of every individual who opposed their views.

He then stated to the House, that he had in his hand the most singular publication that ever had appeared in any country, though it had a precedent in very remote antiquity;—what he particularly alluded to, was a publication he had met with in the newspaper of that morning. Having said this, he read the Resolves of the Westminster committee of the 10th instant.

He stated to the House, that though he read it from a daily newspaper, he meant no reflection on the printer of that paper,

paper, nor had he any intention of moving a censure on his conduct; the printer was a man who had the virtue in the present times to avoid all party partiality, and who seemed to be actuated, merely by a zeal to promote the good of his country.

Having read the resolutions, and particulary called the attention of the House to the last of them, he congratulated, in an ironical strain, the hon. gentleman to whom they were addressed, upon the appointment of his body and life guards for the protection of his person. He compared him to the Athenian Pisistratus, who in former times, had a guard appointed by the people of Athens for the security and protection of his person, by the means of which, he overturned the liberty of his country. Continuing in this strain of irony, he hailed the gentleman "King of Westminster," and after enlarging upon the subject, and heightening the parallel considerably, he concluded, with saying, he did not know whether to congratulate the honourable gentleman, or to condole with his country the most.

That the situation of this country was miserable indeed, when there was allowed to exist in it a dangerous and wicked combination of men, who, while they impudently attacked every peer or member of parliament who ventured to make any observations on their conduct, set themselves up as beings exclusively protected from any animadversion. A combination which had basely and infamously attempted to run down his character as an individual, by attributing to him motives for his conduct upon a certain occasion which nothing but the depraved and infamous minds of the authors of that publication could have invented, or have supposed any person capable of. He spoke of the transaction which had last year unfortunately taken place between the honourable gentleman and himself, as a matter the bare recollection of which gave him the most poignant compunction, as a situation which he of all men living had the utmost unwillingness to be in at any time, and into which nothing but the strong and irresistible impulse of injured honour could ever drag a man of real principle and of real sensibility.

He regretted he did not know how far to form an opinion as to the legality or illegality, of such meetings as committees of association. He said, a club at White's, Brookes's, or at Atwood's, was prefectly legal, till those clubs had done some illegal act, and if they attempted any attack upon the character of an individual, would become as unfit assemblies for

gentlemen to aſſociate in, and be as contemptible as that aſſembly, which had ſo unjuſtly calumniated his character. That he had been long attacked by anonymous abuſe in newſpapers, which he had formerly taken notice of in that Houſe; that he did not know at that time to what quarter that abuſe was to be traced; he now knew that he was to attribute it to the members of the Weſtminſter committee. And when he ſaw in the newſpapers that Mr. Adam ſeconded a motion for a new writ for Coventry from ſcandalous and improper motives, he was juſtified in ſaying, that that and ſuch like paragraphs, came from the ſame quarter. That the publication he animadverted upon, not only calumniated him, but gave the honourable gentleman, to whom it was addreſſed, an excluſive privilege by an unreſerved grant of excluſive protection, to launch forth, if he was capable of availing himſelf of it, into every ſpecies of perſonality and abuſe That time would ſhew from that gentleman's future conduct, how far he was capable of availing himſelf of it. Mr. Adam then ſaid, that he was going to touch upon a ſubject, by mentioning his own character, in which he might poſſibly incur the imputation of vanity; but that when a perſon's character was baſely and falſely traduced, not to mention it was to act with timidity; that few men knew the nature of his life, which was private and retired, but that he could boaſt a ſtrict and regular ſyſtem of domeſtic œconomy, which enabled him to live wholly independent, upon the fortune which had fallen to his ſhare. That the principal happineſs and ambition of his life was to diſcharge the private duties of a private ſituation with honour and integrity, to be a good ſon, a good huſband, a good father, and a faithful friend. That he could not brag of a long line of anceſtry, whoſe vices were to degrade, or whoſe virtues were to adorn the page of the hiſtorian. But that circumſtance made him more proud and more anxious to maintain his character unſpotted and unimpeached, and to repel every attack that was made upon it from whatever quarter. He concluded with ſaying, that he looked upon every perſon who adopted the reſolutions of that committee as baſe and infamous calumniators of his character, and unworthy the protection of a civilized country.

Mr. Fox. Mr. *Fox* roſe to reply, and began with declaring, that as to any expreſſions perſonal to him, which had fallen from the honourable gentleman, who felt himſelf ſore at the paper which he had read to the Houſe, he ſhould not take the leaſt notice of them, but in regard to the advertiſement itſelf, he did

did assure the honourable gentleman and the House, upon his honour, that he was not present at the drawing it up, and that it was published without either his consent or knowledge. Had he been at the committee when it was drawn up, he should undoubtedly have used all the persuasion that he was master of, to have prevented the committee from coming to or publishing any such resolution; because though the resolution was evidently founded in zeal and affection to him, it was, in his opinion, an imprudent resolution, and this he could appeal to his honourable friend below him [Mr. Fitzpatrick] to vouch for having been the opinion he declared when he first saw it. He said, he had imagined some persons would be induced to put the same construction on it, which the honourable gentleman had now put upon it. With regard to the ridicule the honourable gentleman had thought proper to throw upon the committee, and upon him, that was a matter of perfect indifference to him, and the more so, because the gentlemen who formed that committee, were great and respectable characters, men who, he doubted not, had well weighed every word used in the resolution, considered its import fully, and who were prepared to justify the advertisement and the resolution with their honours and their reputation. And after all—what was the resolution complained of with so much warmth by the honourable gentleman? a form of words evidently flowing from the good opinion and the affection the Westminster committee entertained of him, but which seriously and duly considered, conveyed no personal charge against any man, nor did they warrant any man's taking them up angrily or resentfully. Besides, in what way was the House to treat a matter introduced in the very extraordinary manner in which the honourable gentleman had thought proper to introduce the advertisement to which he was then speaking,—without making it the subject of any motion whatsoever. If the honourable gentleman really thought himself warranted to treat the resolutions of the Westminster committee seriously, why did he not complain of the paper to the House as a breach of privilege? If the honourable gentleman thought proper to adopt that mode of proceeding, he was ready to meet it on that ground, and to defend the resolution. If the honourable gentleman chose to make it the subject of another sort of process elsewhere, and to charge it as a libel, he would find that the Westminster committee were ready to take it up when so charged, and to defend the legality of their proceedings.

ings. The honourable gentleman had chofen to laugh at him, and to turn him into ridicule, under the character of Pififtratus—in what, he begged to know, had he ever fhewn a defire to obtain illegal honours? In what had he attempted to fet himfelf above the laws of his country, or to aim at receiving any other honours, than fuch honours as he was perfectly competent to receive? The honourable gentleman, after flourifhing a great deal about his body-guard, and other matters of that fort, had talked of the Weftminfter committee's proceeding by and by to conftitute him king of Weftminfter—The Weftminfter committee, he would tell the honourable gentleman, as well as the whole body of inhabitants of that moft refpectable city, wifhed for no other king, than the king now upon the throne; they loved that king, and they revered the conftitution, by which he reigned, and it was out of a foolifh partiality to him, and becaufe they rafhly, perhaps, thought him the beft qualified to fupport that king and that conftitution, to maintain the glory of the one, and preferve the other in fafety, that they had chofen him their reprefentative in Parliament, in the nobleft and moft fpirited manner, in direct defiance of the avowed and unrefervedly exercifed influence of the crown. It was, perhaps, from a weak, and an ill-founded partiality of opinion in favour of his abilities, that the electors of the city of Weftminfter had done him that honour; all that he could do in return was to declare that his conduct fhould be an example of moft fincere and perfect gratitude. It could not however furely be warrantably advanced, that from this circumftance he was imitating Pififtratus, or that he was endeavouring to obtain illegal honours! The electors of Weftminfter thought well of his efforts in that Houfe, and this naturally fhewed itfelf in acts of affection and regard to him. Loft almoft as the public caufe feemed to be, they were glad to find the reprefentative for Weftminfter among the number of thofe true friends to liberty, who beft ferved their country, and who were ftill determined to ftand in the breach to refift the torrent of corruption and increafing influence, which threatened to bear down the conftitution, and to deftroy it. In order to do this, he, and thofe with whom he acted, had facrificed their interefts, they had facrificed their ambition, they had facrificed all views of greatnefs and emolument, they had facrificed every thing that could gratify the mind of man, or fall within the wifh of human pride, or human vanity. Let not gentlemen on the other fide, on almoft every one of whom

whom, places, penſions, titles, and rewards of every kind were profuſely heaped! then grudge either him or others the poor comfort of a little popular applauſe! Let them not complain that the people held his humble efforts to ſerve his country in ſome degree of eſtimation! and though they might in the warmth of their zeal and affection, uſe a few imprudent words, for ſuch he granted thoſe words were, which compoſed the reſolution of the Weſtminſter committee read to the Houſe by the honourable gentleman, let it not be ſaid, that he was borne off his legs by popular honours, or that he was frantic with popular applauſe. Had he been anxious to court thoſe honours, and to obtain that applauſe, opportunities had offered, which he ſhould not have neglected. In the time of the tumults, when the people were madly riotous, had he uttered one word, or ſaid a ſyllable in ſupport of the proteſtant aſſociation? On the contrary, had he not oppoſed it firmly, and been among the firſt to reprobate and cenſure thoſe lawleſs proceedings which began with inſult to that and the other Houſe of Parliament, and did not end till the public priſons, and private property to an immenſe amount, had been burnt and deſtroyed! Again, when a meaſure was in agitation within thoſe walls, which was particularly the object of oppoſition from thoſe very perſons, whom it was at that time known, he wiſhed ſhould become his conſtituents, had he with a view to court popular applauſe, meanly given up his opinion, and adopted that of thoſe who had ſince choſen him their repreſentative? On the other hand, was it not notorious to every gentleman preſent, who had ſat in the laſt Parliament, that he ſtood up in his place, and firmly ſupported the meaſure, declaring at the ſame time, that he truſted, it would be a proof to the electors, that if they choſe him their repreſentative, they would ſend to Parliament a member who at leaſt was ſincere, and who was at all times determined to ſpeak his real ſentiments.

After other inſtances adduced in proof, that the popular applauſe with which he had been honoured, was the voluntary gift of the people, and had not been ſought after by him, either induſtriouſly or improperly, Mr. Fox took notice of the neceſſary freedom of debate, and ſaid, that as it was the deareſt and moſt ineſtimable privilege of a Britiſh ſenator, ſo was it the laſt right that he would abandon or give up; and here he muſt obſerve, that in his ſpeech on the firſt day of the laſt ſeſſion, in his ſpeech on the firſt day of the preſent ſeſſion, he had talked language, which however people might

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chuse to construe it, was not, he would at all times maintain, in the least personal to any man whatever. As long as he had the honour to sit in that House, he would exercise that inestimable privilege of speaking freely upon public matters, both as to the conduct of men in public situations and of measures any way connected with the public interest. He had spoken freely hitherto, whenever he had taken the liberty to rise in that House, and in spite of every attempt to prevent him, of every sort that could be suggested, he would continue to use and support the freedom of debate. He thought it necessary to say thus much, and to say it in the most express terms just then, because he foresaw, that in speaking to the subject which was presently to be taken into consideration, as the order of the day, when a supply for the support of the navy was to be proposed, he should have occasion to advert to the character of a person, who, if report was to be credited, and there could be found constituents sufficiently abandoned and lost to all sense of honour as to chuse him their representative, was shortly to come among them. That person had been convicted by one court martial of having preferred a false and malicious accusation against his superior officer, and he had been tried for his own conduct by another court martial, who had neither acquitted him honourably nor acquitted him unanimously. Those trials were matters of publick notoriety, and therefore they were the fit subjects for parliamentary allusion, and for free discussion within those walls; to those trials he should have occasion to refer, in what he should have to say when the supply for the support of the navy came under debate, and as often as any matter relative to the navy was the topic of that House's consideration, so often should he most undoubtedly speak of those trials, and the person to whom they had relation, without reserve. Nor had that gentleman, or any other honourable gentleman, any right to complain of being personally insulted by what he should then say. If he were to prefer an indictment against any person accusing that person of a crime, none surely but the most wrong-headed man in the world would deem the hard words, which constitute the legal and technical phrases of the indictment, so many private affronts to him as a gentleman; the case was exactly the same as to his treating upon any public topic in that House. He owned, he was a little astonished to hear the honourable gentleman who spoke last, congratulate him upon his having, in consequence of the Westminster committee's resolution, an exclusive privilege of speaking

ſpeaking perſonalities within thoſe walls—he had already ſaid, he never had ſpoken perſonalities—had he indulged himſelf with entering into a diſſertation on œconomy, and the well ordered arrangement of his private affairs, or talked of noble anceſtry and noble vices, or alluded to his domeſtic virtues, and pointed all theſe things at any particular gentleman, he ſhould have ſuppoſed, he might with reaſon have been accuſed of having dealt in perſonalities; but ſo long as he confined himſelf to public matters, and public matters only, he did not imagine the Houſe would think that the character of being fond of perſonalities belonged excluſively to him.

After gently touching on his affair laſt ſeſſion with Mr. Adam, declaring, it could never be alluded to without giving that honourable gentleman and himſelf great pain, and after many other remarks, ſtruck out with all that wonderful quickneſs of conception, happy poſition, and force and poignancy of application, which generally diſtinguiſh the ſpeeches of this gentleman, he concluded with declaring, that he was ready to defend the reſolution of the Weſtminſter committee, though at the ſame time he was free to confeſs, that he thought it imprudently drawn up, and that it contained words which had better not have been uſed on the occaſion.

Mr. *Adam* roſe to explain. He ſtated, in anſwer to what Mr. Fox had ſaid of the reſolutions not being perſonal to him [Mr. Adam] the following words of the laſt of thoſe reſolutions: Mr. *Adam.*

"Reſolved, That this committee, being ſenſible, that the firm, conſtant, and intrepid performance of his duty will probably render him, in common with other diſtinguiſhed friends of liberty, the object of ſuch attacks as he has already experienced, and to which every unprincipled partizan of power is invited by the certainty of reward."

He then added that every perſon, conjunctively and ſeverally of that committee, who approved of thoſe words, was an infamous and baſe traducer of his character.

The Hon. Mr. *Fitzpatrick* roſe to corroborate and confirm what his honourable friend [Mr. Fox] had ſaid, relative to his not being preſent when the Weſtminſter committee came to the reſolution which had been ſo warmly complained of; ſaid he had the honour to belong to that committee, and a very great honour he thought it, becauſe he was convinced there were among the members of it, ſome of the firſt and moſt reſpectable characters in the kingdom; men as well read in the hiſtory of the Britiſh conſtitution, and as zealouſly Hon. Mr. *Fitzpatrick.*

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attached to that conſtitution, as had lived in any period of the exiſtence of this country. Mr. Fitzpatrick declared, that he was abſent, as well as his honourable friend, when the reſolutions, then the topic of converſation, were propoſed, and carried; having therefore no hand in drawing them up, it was impoſſible for him to ſay what or whom, the particular gentlemen who penned them, had in their view at the time; he was ſure, however, from the known honour of the committee, that their intention was a good and a warrantable one, he therefore thought it right to ſay, that the reſolutions had his hearty conſent.

Mr. Adam. Mr. *Adam* ſaid, in anſwer, that if either the honourable gentleman who ſpoke laſt, or any other perſon approved of, and aſſented to the words in queſtion, as perſonally applied to him, that he meant to apply to him and them, every epithet he had mentioned.

Mr. Fitzpatrick. Mr. *Fitzpatrick* then ſaid, that if the honourable gentleman choſe to apply any part of the words uſed in the reſolution of the Weſtminſter committee to himſelf, he could not poſſibly help it. He muſt ſtill approve of thoſe reſolutions, but he had not applied them to the honourable gentleman, neither had he ſaid, they contained any thing immediately applicable to him, or which the honourable gentleman was entitled to apply to himſelf. They certainly had his conſent, nor did he feel himſelf at all obliged to give his reaſons why he conſented to them.

Sir James Lowther. Sir *James Lowther* roſe and ſaid, that the converſation had been a moſt extraordinary one, and that he did not underſtand the time of the Houſe being taken up in that manner. The honourable gentleman [Mr. Adam] had, once before, riſen and taken up words of a general import in a wrong ſenſe; and ſuppoſing they applied to him perſonally, had expreſſed himſelf in a warm and angry manner, contrary to the rules of the Houſe.

This altercation was put an end to by the order of the day's being loudly called for.

As ſoon as the order of the day was read, the Houſe reſolved itſelf into a committee of ſupply, and Mr. Ord took his ſeat at the table.

Lord Liſburne. Lord *Liſburne* then roſe, and ſtated to the committee, from official papers, which he held in his hand, what had been the number of ſeamen voted laſt year, the increaſe of men employed in actual ſervice, and what would be neceſſary for the ſervice of the next year. His Lordſhip concluded his ſpeech

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with moving, "that it is the opinion of this committee, that 91,000 seamen, including 20,317 marines, be the number of seamen voted for the service of the year 1781."

Sir *Charles Bunbury* was glad to hear so many seamen moved for; he thought the navy the natural defence of this country, and reminded the House, that last war we had 18,000 American sailors aboard our fleet, a number sufficient to man 36 sail of the line; this advantage our enemies now had over us—it behoved government therefore to be as vigorous in their exertions, and as attentive to œconomy in their mode of manning, as well as of equipping and fitting out ships, as possible. Sir Charles Bunbury.

Admiral *Keppel* was also glad to hear 91,000 seamen were moved for; he wished the number had been still larger; the Admiral spoke of the mode of manning ships, saying that one third was usually ordinary landmen, one third marines, and one third seamen. The latter proportion was as few seamen as could possibly navigate the ships, it must not therefore be lessened on any account. The Admiral repeated his advice to ministers to be more early in their operations, and not to lose their opportunities, as they hitherto had done very frequently. He also declared he was glad to hear we had now 90 sail of the line in service, but begged to know whether we should have so many, four months hence? Declaring that his reason for putting this question was, because it was a well-known fact, that several of the ships now in the West-Indies, were so much worn by the service, that it was a question whether the Admiral would trust them home in the winter. Admiral Keppel.

Lord *Lisburne* said, undoubtedly when the ships in the West Indies came home, several would need repair, but then we had other new ships in great forwardness, which would be ready for service in the course of the next year, and that France and Spain were under the same sort of difficulty. Lord Lisburne.

General *Smith* arraigned the American war in terms of great energy. Gen. Smith.

Mr. *Fox* said he should give his vote for the resolution, but he could not do it, without previously pledging himself, after the holidays, to move for the dismission of the Earl of Sandwich, and afterwards for bringing that noble Lord to condign punishment, and that he should found these motions on two different reasons;—the first, because the Earl of Sandwich had advised his Majesty to promote Sir Hugh Palliser to the government of Greenwich Hospital,—the second, for the shameful neglect of the navy during the administration of the present first lord of the admiralty, Mr. Fox.

Mr. Rigby. Mr. *Rigby* said, that he should agree to the present motion, not because he conceived the committee pledged to accede to an accusation, urged without proof, against either the Earl of Sandwich or Sir Hugh Palliser, but because he considered strengthening the hands of government as much as possible at this critical moment, a most important and necessary duty, let government be lodged in what hands it might. He desired not to be considered as undertaking the defence of Sir Hugh Palliser, declaring that he was, from his being unacquainted with the relative facts, as little qualified for that task, as he was desirous of acting the more foolish, more absurd, and more wicked part of standing forward the accuser of Lord Sandwich, without being able to make out any charge against him; a situation in which the late House of Commons had seen one of its members placed, and a situation in which, the honourable gentleman, who spoke last, possibly might be placed after the holidays.

Mr Townshend. Mr. *T. Townshend* supported Mr. Fox.

Mr. Courtnaye. Mr. *Courtnaye* recommended vigour and spirit to administration, and unanimity and chearfulness to the House. He defended the going on with the American war on the plea of its necessity, said he could view America in no other light than as the ally of France. Speaking of Lord North's situation, he said his security in office was owing to the bad opinion the publick entertained of those who wished to get into his place, and that the speech of Charles the Second to his brother James, Duke of York, was perfectly applicable to him. When the Duke of York had told the king, "he wondered a prince who had rendered himself so unpopular, would venture abroad without his body guard." The king replied, "Have no fears for my safety, brother, I am perfectly secure in my person, as long as my people know, that if I die or am cut off, you must be my successor."

Lord Mahon Lord *Mahon* said, the American war could not be deemed a war of necessity; and this position his Lordship argued upon this principle, that as no rational or feasible proposition for conciliation had been held out to America, it was not fair to say the war was carried on of necessity. His Lordship in a most animated stile, arraigned and reprobated the propositions made by the commissions, terming them scandalous, and disgraceful to the last degree.

Mr. Pulteney. Mr. *Pulteney* declared the noble Lord was mistaken in what he had asserted, of the commissioners having offered to pay the debts of America.

Lord

Lord *Mahon* replied, and read extracts from the public acts of the commiſſioners in ſupport of what he had before ſaid. Lord Mahon.

Mr. *Fox* argued on the ſame ground, ſtating, in compariſon to the interpretation put upon the commiſſioners offering to aſſiſt in arranging the debts of America, by Mr. Pulteney, that if any rich man came to him and offered to ſettle his debts, he ſhould naturally imagine he meant him a real favour, and deſigned to lift the load off his ſhoulders by paying them, but that if it afterwards appeared, that he only meant to give him his advice, how he ſhould pay his debts out of his own fortune, he ſhould feel himſelf miſerably diſappointed.* Mr. Fox.

The queſtion was then put and carried, *nem. con.* without a diviſion.

After that, a ſecond reſolution for voting 4l. per man per month, for the ſeamen and marines already voted, was put and agreed to.

November 14.

No debate.

November 15.

A converſation took place relative to the day on which a petition concerning the election at Oakhampton ſhould be heard, in conſequence of Sir Philip Jennings Clerke having deſired that the petition might be heard in its turn.

Mr. *Rigby* ſaid, he did not underſtand the expreſſion, and in a plain manner contended, that in conſequence of Mr. Grenville's act, which was ſo much the favourite of the Houſe, more frivolous petitions, preſented without any wiſh to be heard, and merely with a view that the petitioners might obtain privilege of parliament for the interval of time that elapſed between the delivery of the petition and its being determined upon, were brought to that Houſe than had been uſually brought when the election petitions were heard in the old parliamentary way. Mr Rigby ſaid, it was neither proper, nor was it his deſign, to ſay a ſyllable as to the particular petition to which the honourable gentleman who ſpoke laſt referred. If he choſe to ſpeak of it, perhaps he knew as much of the merits of the Oakhampton election as any gentleman preſent; but he was aware, that was not the time for going into them, and he declared now, as he before declared in that Houſe, that unleſs the Houſe compelled him to it, he never would be a member of an election committee; without adverting therefore in the leaſt to the merits of the petition, the hearing of which was then the ſubject of altercation, he deſired and hoped that the Houſe in general would Mr. Rigby.

follow the good old custom of making example of those who should hereafter appear to have frivolously petitioned, and who without any serious reason to justify their conduct, took up the time of the House in investigating allegations, which could not be supported. After a few words from Mr. Dunning, Mr. Townshend, &c. the day of hearing the petition was altered.

The House afterwards resolved itself into a committee of supply.

Lord *Westcote.* Lord *Westcote* moved, that the land tax for the year 1781 be 4s. in the pound, with the usual difference for Scotland.

His Lordship also moved, that the duties on malt, mum, cyder, and perry, be continued the next year at the rate at which they now stood.

Both these resolutions were agreed to.

November 16.

Mr. *Minchin* Mr. *Minchin* said, the orders given to the military, at the time of the late riots, to act without waiting for the civil magistrate, had occasioned great discontent without doors. The order might perhaps be justified from necessity, or from the negligence of the magistrates; for they had been shamefully inactive; but indeed the detachments of troops had been so numerous, and so dispersed through London and Westminster, that, had the magistrates been ever so ready to do their duty, there was not a sufficient number of them to head all the detached parties. To remedy this defect, and to put it out of the power of a military man, as such, to have the lives of his fellow subjects at his command any more, as he himself had had at the late riots, he wished that a new commission of the peace for the whole kingdom should take place, and that the names of almost all the respectable gentlemen in each county should be inserted in it. This, he said, would furnish us with a sufficient number of magistrates to head the military, if we should be ever obliged to resort to them again: but as he did not expect that all these gentlemen would qualify themselves to act in general as justices of the peace, though he did not doubt but they would very readily do so in cases of emergency, he moved, "That leave "be given to bring in a bill to enable all persons named "in any commission of the peace, to act as justices in the "suppression of riots and tumults, notwithstanding they "have not taken out their *dedimus potestatem.*"

Sir *George Yonge.* Sir *George Yonge* seconded the motion; but expected that the honourable gentleman would take care to provide in his bill,

bill, that the military should be resorted to only in the second instance; and after the civil power had been first called in.

Mr. *Minchin* said, that this was the very principle of his bill.

Mr. Alderman *Wilkes* hoped the honourable gentleman did not mean to grant powers of magistracy to any man, who should not previously have taken the oath of office, to do justice between the King and his subjects. Mr. Alderman *Wilkes*.

Mr. *Minchin* answered in the negative.

Lord *Beauchamp* was of opinion that this would destroy the very object of the bill. The principle of the bill was to dispense with certain formalities in case of emergency; and yet, when the emergency should arrive, the magistrates must not act till they have gone through those formalities. The bill was supposed to be a dispensing bill, and yet dispensed with nothing. There was indeed a bill which passes regularly every session; which, by dispensing with the qualification oath of justices of the peace, naturally opened a door to the low and the indigent, and was the great cause why gentlemen of character were so averse, in Middlesex particularly, to act as magistrates; they did not like to sit on the same bench with persons so greatly inferior to them in rank and fortune. He wished, however, to see the bill brought in, when the House would have an opportunity to add whatever might be found wanting in it Lord *Beauchamp*.

Mr. *George Onslow* spoke against the magistrates; accused them of shameful neglect of duty, which alone had made it necessary to call out the military on the late occasion. Mr. *George Onslow*.

Sir *Edward Astley* defended the magistrates; and mentioned one in particular [Hyde] who, while he was at the head of the guards, that were drawn up for the protection of that House, had not swerved from his duty, though at the very same time his own house was demolishing by the mob. Sir *Edward Astley*.

Earl of *Surrey* complained of the want of magistrates in two counties, in which he sometimes resided. In one there were very few; in the other, in the west of England, there were scarce any. This arose, he thought, from the manner in which commissions were made out by the *custodes rotulorum*, and Lords Lieutenants. He wished that something might be done in the bill moved for, to regulate the commissions of the peace, and supply the country better with magistrates. Earl of *Surrey*.

Sir *P. J. Clerke* said, that the complaint of a scarcity of magistrates, was general all over the kingdom. Sir *P. J. Clerke*.

The question was put, and leave given to bring in the bill.

The

The following is a copy of the ABSTRACT *of the* BILL *to enable all persons, named in any commission of the peace, to act in the suppression of the riots, notwithstanding they have not taken out their* Dedimus Poteſtatem; *and for enabling them to take the oath of Qualification.*

"It recites, That in caſes of ſudden riots, a ſufficient number of magiſtrates duly qualified, cannot at all times be aſſembled to quell ſuch riots.

"It therefore enacts, That after a certain time to be mentioned in this bill, every perſon whoſe names ſhall be inſerted in any commiſſion of the peace for any county, riding, or diviſion, ſhall be fully authorized to act as a juſtice of the peace within ſuch county, riding, or diviſion, for ſuppreſſing any riots, notwithſtanding he ſhall not have taken the uſual oath of office under the writ of *Dedimus Poteſtatem.*

"It alſo recites, That divers proviſions have been made, for preventing and puniſhing ſuch offences, eſpecially by an act of George the Firſt, and therefore enacts, That every perſon ſo named, in any commiſſion of the peace, not having taken the oath of office, ſhall be, to all intents, a juſtice of the peace, within the meaning of the ſtatutes aforeſaid, and inveſted with all privileges and authorities, contained in ſuch ſtatutes, as other juſtices who may have taken the oath relating thereto.

"It alſo enacts, That no ſuch perſon, ſhall be capable of acting as a juſtice, unleſs qualified according to the act of the 18th of George II. "For the further qualification of juſtices," and having taken and ſubſcribed an oath to be inſerted in this act, and the oaths of allegiance, ſupremacy and abjuration.

"It further enacts, That every juſtice within the ſame county, riding, or diviſion, is to adminiſter ſuch oaths to any perſon before deſcribed, requiring to take the ſame; ſuch oaths to be recorded, and the clerk to have a fee, to be fixed by this act, with a penalty for any perſon who ſhall preſume to act, without being qualified—a clauſe limiting the time of bringing the action after the fact upon which the ſame is grounded, ſhall be committed, and allowing every defendant the benefit of making out his qualification.

"And it enacts, That the clerk of the peace of every county, ſhall cauſe liſts of the names of all perſons in the commiſſions of the peace, to be printed; and when in like manner, any new commiſſion ſhall be made out, and tranſmit ſuch printed liſts to the churchwardens of every pariſh,

and to the clerks of both Houſes of Parliament; the expence of printing the ſaid liſts to be paid to every ſuch clerk of the peace, by the treaſurer of ſuch county, riding, or diviſion.

SCHEDULE.

County, riding, or diviſion of *M.* to wit.

" Be it remembered, That *A. B.* being one of the perſons named in the commiſſion of the peace for this county, &c. came before me *I. P.* one of his Majeſty's juſtices of the peace acting for the ſaid county, &c. and took the oath of qualification.

(Signed) *A. B.*

and I the above-named *I. P.* do alſo certify, That the ſaid *A. B.* alſo took the oaths of allegiance, ſupremacy, and abjuration, at the ſame time before me. Given under my hand and ſeal. *I. P.*

(L. S.)

November 17.

The land tax bill at 4s. and malt tax bills brought in and read. No debate.

November 18. (Saturday.)

Land and malt bills read a ſecond time and committed. No debate. Adjourned to the 20th.

November 20.

Mr. *Fox* ſaid he had in his hand a petition of a very ſingular nature. It neither complained of bribery and corruption, nor of an undue election or return. He could not ſay whether the Houſe would think it proper to receive it in the character and deſcription of petitions relating to elections. He would read the petition, and the Houſe would judge whether it ſhould be brought up. [After Mr. Fox had read it, it was ordered to be brought up.] Mr. *Fox*.

Subſtance of Sir Thomas Halifax and Mr. Rogers's petition to the Houſe of Commons, reſpecting the Coventry election.

Petition ſets forth,

1ſt. That on the 9th of September laſt, being the day of election, a great number of colliers and other perſons, not inhabitants or freemen of the ſaid city, riotouſly aſſembled together, with a blue flag and blue and white cockades, the enſigns of Edward Roe Yeo, and John Baker Holroyd, came to the place of election, and violently dragged therefrom many of the voters in the intereſt of the petitioners

there assembled, and took possession of the booth, and all access thereto; assaulted the freemen, tore off their cloaths, and stripped them naked to the waist, and beat, bruised, and otherwise ill treated them, to the great danger of their lives; prevented them from polling, and declaring they came there to support the blues.

2d. That on account of the said violences, &c. only four persons could poll for the petitioners on that day, and the poll was adjourned to the 11th.

3d. That the petitioners called on the sheriffs to protect the persons of said voters, and preserve the freedom of election; the sheriffs did appoint one end of the booth for the voters of the petitioners to poll at, and the other for Yeo and Holroyd. Many constables sworn to keep the peace: posts and rails erected for separating the voters on each side and protecting them to poll. But the said rioters again assembled on Monday morning, cut and broke down the said posts and rails, and carried them away; and during the poll obstructed the petitioners' voters from polling, and committed the like violences, as on the ninth, so that only 21 voters could poll.

4th. Said poll being adjourned till the next day, on the morning of the same several hundred voters for the petitioners being peaceably assembled at that end of the booth appointed by the sheriffs for them to be polled at, leaving open the other end, a great mob of colliers and other rioters, with many hundreds of their voters, came up to that part of the booth where the petitioners' voters were standing, and then and there dragged by the hair of the head, stripped, beat, and cruelly tore and bruised many of the petitioners' voters, and drove the rest from the said poll; would not permit them to give their votes, so that three only polled that day.

5th. Said rioters being determined that the petitioners' voters should not come up to the poll, they assembled in the night time continually afterwards, and took possession of the booth, and kept the same until the time of polling the next day. Obstructed all the avenues to the place of polling, violently drove back the sheriffs, magistrates, and peace-officers, whenever they attempted to open access for said voters; took the staves from the constables and broke them; same violences continued from day to day till the 18th inclusive.

6th. Previous to the day of election, and during the poll, petitioners and the other candidates were called upon to poll by

by tallies, to prevent riot and confusion at the election. Agreed to by petitioners, but refused by Yoe and Holroyd.

Petitioners allowed to keep their majority of 27, and to poll at different ends of the booth, to be protected by peace-officers, was accepted by Halifax and Rogers, and refused by Yeo and Holroyd.

7th. Said colliers were hired or employed by Yeo and Holroyd, and their agents, and paid, entertained, and provided with lodging, meat, and drink by them, and they abetted the riots and obstructions.

8th. On account of the said riots and violences offered the persons of the sheriffs, magistrates, and peace-officers, on the 18th of September, the poll was necessarily discontinued.

That your petitioners are ready with their witnesses to prove the truth of the several allegations herein made.

Wherefore your petitioners most humbly pray that this honourable House will hear them by their counsel, and take the premises into consideration, and grant such relief therein as the nature of the case requires, and as to the House in its good wisdom and justice shall seem fit; and your petitioners shall ever pray, &c.

Mr. *Fox* said, he would not take upon him to affirm that the charge contained in this petition was well founded; whether it was or no, would appear from the evidence to be brought to the bar: but he maintained that it was a heavy charge, and a specific charge: and if it should be proved, the gentlemen against whom it was brought were deserving of very severe punishment. The crime with which they were charged was of a heinous nature: a violation of the freedom of election, which tended to undermine the liberty of the country, by sapping the foundation of the freedom of the constitution. He therefore moved the following resolutions: Mr. *Fox.*

First, That this petition be taken into consideration on Thursday next; which was agreed to.

Secondly, That Sir Thomas Halifax and Mr. Rogers, the petitioners, be allowed by themselves or their counsel, to bring evidence to the bar of the House of Commons, in support of the charge contained in the petition; which was also agreed to.

Thirdly, That Mr. Edward Roe Yoe and Col. J. Holroyd be desired to attend the House of Commons on Thursday next.

Mr. Rigby. Mr. *Rigby* opposed this last resolution. It was unjust and unprecedented. The gentlemen pointed at in the petition must be accounted innocent until they should be proved guilty. A mere allegation was not sufficient to authorise the House to bring Col. Holroyd and Mr. Yoe to the bar in the character of delinquents; he would therefore give the motion for this resolution his negative.

General Smith. General *Smith* said, that the resolution was not unpreceden-ted. He himself had been brought to the bar of the House in the humiliating character of a delinquent, before any evidence was called for against him, and merely upon a suspicion that he had secreted certain witnesses whom he named: a circumstance in his life which had made a deep impression in his mind, and which he could never efface. At the same time candour obliged him to declare, that he did not bring that fact as a precedent for summoning the attendance of Mr. Yoe and Mr. Holroyd. He thought he had been treated unjustly, and he could not in justice to himself pass by this opportunity of animadverting on a proceeding by which he considered himself greatly injured.

Mr. Fox. Mr. *Fox* did not conceive that he did any thing unkind or unjust to Col. Holroyd and Mr. Yoe, when he desired their attendance on Thursday at the bar of the House. He was of opinion, on the contrary, that the gentlemen themselves would wish and be anxious for an opportunity of making known their innocence. Whenever the honourable gentleman [Mr. Rigby] had any accusation to bring against him, he begged that he might bring it face to face, and give him an opportunity of answering for himself. A new writ would be moved for to-morrow for an election of members to serve in Parliament for Coventry; and in the mean time a very great number of voters, friends to the petitioners, would be absent from the election, while Col. Holroyd and Mr. Yoe would by this partial conduct, have an unfair advantage over their competitors. This would be the littlest manœuvre to which a ministerial majority, amongst all their condescensions, had ever descended. He thought that this cause should be decided before any election at Coventry should take place. It was, indeed, Mr. Holroyd's and Mr. Yoe's interest that a new election should take place as soon as possible, both because the practices of which, as was alledged, they had been guilty, must give an unfavourable impression of them, which might have an unhappy influence on their election; and because, if the election should be over before the enquiry into the things

things charged against the accused party, the petitioners would not have the same motives that they have now for making good their charge, and might therefore very naturally be supposed to relax in their zeal of prosecuting this appeal and complaint to the House of Commons. Mr. Grenville's bill, as it was called, had, indeed, been productive of much good; it, however, was the source of some inconveniencies; and among these he reckoned the possibility of influencing, by such a manoeuvre as that he had mentioned, an election. He begged and hoped that ministry would not be so uncandid as to take advantage of an inconveniency attending that excellent bill, and of establishing a precedent, which was in itself unjust, though it could never militate against themselves. He also adverted to that forwardness of ministry in endeavouring to bring on an election at Coventry, which appeared on the first day of the meeting of Parliament, &c.

Lord *Beauchamp* said, the law requires, that within a certain time writs should be issued for elections, and that time would expire to-morrow. No hurry had been shewn in appointing a time for examining the sheriffs of Coventry. If these officers had done as they ought to have done; if they had made a return of two members, according to the numbers that were actually polled, however few, the circumstances that rendered the election undue and of no avail might have come before the House in the way of petition as usual, and much trouble have been thereby prevented. An honourable friend of his had said, that there would be partiality in bringing on the election at Coventry at a time when the petitioners with their witnesses, who were their friends in the election, should be attending the bar of that House. But would there not be as great partiality in ordering the two other gentlemen to be absent from the place of election, as it would be to call to the bar voters on the other side? The petitioners might appear by counsel; but it was proposed that Mr. Holroyd and Mr. Yoe should attend the House in person. His Lordship farther contended, that the vote of the House when printed, was a sufficient, and the proper intimation to the last mentioned gentlemen to attend, if they thought their interest required their attendance, and that any order to attend was equally improper, unjust and unprecedented. For with regard to what had been advanced by General Smith, he believed that he had been ordered to attend, after the affair he alluded to had made some progress in the House, and that it was by a committee of the whole House on that subject, that he was ordered to attend.

Lord *Beauchamp*.

General

General Smith. General *Smith* from the Journals of the House evinced, that Lord Beauchamp, in making this last position, was mistaken.

Mr. Fox. Mr. *Fox* replied to Lord Beauchamp. He allowed that there would be partiality in ordering Colonel Holroyd and Mr. Yeo to attend the House, if the election were to be hurried on in the manner he apprehended it would be; but he was for deferring the election until this cause was decided, therefore an order for the attendance of these gentlemen would not betray any partiality.

General Smith. General *Smith* observed, that there was a precedent for putting off the election of members for Coventry, in the Borough of Hindon, to which no writ had been sent for electing a member of parliament for the course of two years.

Lord Beauchamp. Lord *Beauchamp* replied, that the cases were totally dissimilar; for the burgesses of Hindon had been guilty of certain practices, for which that delay to send a writ of election was a deserved punishment, whereas the inhabitants of Coventry were not charged with malversation of any kind. His Lordship added, that he had a petition, in opposition to that presented by his honourable friend, from Colonel Holroyd and Mr. Yeo, and others, burgesses of Coventry. He read the prayer of the petition; which was, that the sheriffs might be punished for not making a return of members to serve in Parliament for Coventry, &c.

Mr. Fox. Mr. *Fox* withdrew his motion for the third resolution. The petition, mentioned by Lord Beauchamp, was brought up, and ordered to be taken into consideration at the same time with the other petition relating to the same subject.

A petition having been presented to the House, complaining of an undue election, and containing a charge of bribery and corruption against the sitting members for Stafford,

Mr. Sheridan. Mr. *Sheridan* rose and complained, that it was in the power of any petitioner to bring a charge of crimes and misdemeanors against any member of that House with impunity. Where it is alledged that an election is undue on account of informalities or upon certain points of law or custom, the character and feelings of the member against whom such a petition is brought receive no hurt; but the case is otherwise where an accusation is brought of bribery and corruption, crimes so high in the eye of the laws and constitution of this country. He therefore expressed a wish that some gentlemen of greater experience in Parliament and consequence than himself, would devise some method of prevent-

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ing frivolous and malicious petitions, and of punishing their authors suitably to the nature of their offences. It was very hard that a gentleman should lie under the imputation of crimes of which he was innocent for a whole year, perhaps for a longer period. He observed also, that under such circumstances every member, who had been fairly and independently elected, must feel equally for the credit of his constituents, from whom he derived his trust, and whose character, as well as interest, it was his duty to defend: that it certainly was a most serious hardship, that upon the accusation of a few of the lowest and most unprincipled voters in any borough, a numerous and respectable body should remain traduced and stigmatized in the eyes of that House for the space of a year, in a petition which should at last be proved a gross and groundless libel. He therefore hoped that some gentlemen of more experience than himself would turn their thoughts towards providing some just and adequate remedy to this evil, and some exemplary penalties, whenever charges of so gross a nature are preferred on frivolous grounds, and with unfair purposes. [He was heard with particular attention, the House being uncommonly still while he was speaking.]

Mr. *Rigby* agreed with the honourable gentleman in the justness of his complaint. He afterwards, however, thought proper to attempt to ridicule the idea of any member's being concerned for the character of his constituents, and to throw out some insinuations against the burgesses of Stafford. Mr. Rigby.

Mr. *Fox* observed, that though those ministerial members, who chiefly robbed and plundered their constituents, might afterwards affect to despise them; yet gentlemen, who felt properly the nature of the trust allotted to them, would always treat them and speak of them with respect. He then alluded to the late member for Stafford, Mr. W. and drew a comparison between him and his honourable friend S. not very much to the credit of the former, &c. &c. Mr. Fox.

Mr. *Rigby* thought that all such matters were to be judged of in the committees. It was very hard to lie under the suspicion of such enormities as bribery and corruption. He pitied poor Stafford; but poor Stafford must endure suspicion, and even imputation, for a time! Mr. Rigby.

Mr. *Fox* supported Mr. Sheridan, and at length the speaker reminding the House that there was no question before them, Mr. Fox.

Right Honourable *T. Townshend* took this opportunity of Rt. Hon. T. Townshend.

calling

calling the attention of the Houſe to a motion, which he had given notice of, a few days before, viz. that the thanks of that Houſe be voted to their late ſpeaker. It was not his intention, he ſaid, on the preſent occaſion, to enter into a long argument, to ſhew the ſtrong and eſſential reaſons upon which he grounded the motion he was about to offer to the conſideration of the Houſe; that taſk, he flattered himſelf, was altogether unneceſſary; for if the Houſe could poſſibly have forgotten the merits of the honourable gentleman who had for the two laſt Parliaments filled the chair with ſo much dignity, the euloges pronounced upon them, on the firſt day of the ſeſſion, by the noble Lord and the right honourable gentleman who moved and ſeconded the propoſition, "that the preſent ſpeaker take the chair," had, he doubted not, ſufficiently refreſhed gentlemen's memories, and brought back to their recollection the impreſſion which Sir Fletcher's conduct had made, not only on the Houſe in general, but on the minds of ſome of its oldeſt and moſt experienced members. Mr. Townſhend further ſaid, that though he did not think it indiſpenſibly incumbent on him to ſtate why he made the motion which he ſhould offer, he felt it proper to ſay a word or two, as to the reaſons on which he did *not* ground it. The firſt of theſe had relation to a particular paſſage of a particular ſpeech made by the late ſpeaker at the bar of the Houſe of Lords, when his Majeſty was about to give his royal aſſent to a bill for the increaſe of the civil eſtabliſhment. He begged leave to ſay, in expreſs terms, that he did *not* move the thanks of the Houſe to Sir Fletcher Norton on account of that ſpeech, and he thought it right to ſay ſo; at the ſame time he muſt declare, that he was far from diſapproving of that ſpeech; he thought it a wiſe one, he thought it a well-timed addreſs, he conſidered it as an incontrovertible proof of the late ſpeaker's zeal and regard for the dignity of the Commons of England, and of his judgment and ſpirit in ſelecting a fit opportunity for ſupporting that dignity. The Houſe of Commons had themſelves adopted this opinion; they had thanked Sir Fletcher Norton for this ſpeech, and by that means ſealed their approbation of his conduct. It was for this reaſon, becauſe the Houſe had already thanked the late ſpeaker for that particular part of his conduct, that he did not now make it one of the grounds of his intended motion, and it was for this reaſon only. There was other parts of Sir Fletcher Norton's conduct, while he filled the chair, which peculiarly entitled him to the higheſt honour a

Britiſh

British subject could receive, the thanks of the House of Commons; and those were, his great attention to the business of the House, both public and private, his civility and readiness to oblige every gentleman concerned in the latter, and the strict and unimpeachable impartiality with which he filled the chair during the period of much controversy and much altercation. Above all, the House were obliged to the late speaker for the great assistance he had given to the forwarding and carrying into effect, a bill, which the majority of the House had always highly applauded, and which never had many, now he believed but very few, enemies; though among them there were men extremely able, extremely wise; and who doubtless founded their objections to the bill on laudable and liberal principles. That bill, however, of which the greatest part of the House had always entertained the most partial sentiments, and of which the salutary effects were now sufficiently proved, though certainly Mr. Grenville was entitled to the first and largest share of praise for framing it, was indebted for its efficacy in a great degree to Sir Fletcher Norton. Of what essential importance that bill was, all who had sat in the last Parliament were well acquainted; and the young members might learn from the altercation that had passed that day on election matters, how useful and how conducive to the preservation of the freedom of election the bill was. From the spirit of party that had shewn itself in the conversation, which had taken place relative to the Coventry election, was there a gentleman present who did not believe, that were it not for Mr. Grenville's bill, and had the old method of trying election petitions, by the House at large, continued in practice, but that a majority would have immediately declared Mr. Yeo and Mr. Holroyd duly returned members for Coventry. That reflection would convince gentlemen of the merits of the bill to which he was alluding, and that reflection would render it unnecessary for him to say a word more upon that part of his subject.

With regard to the motion he should offer, he saw but one objection which appeared to him to be of the least weight, and that, a precedent upon the Journals did away. It might be objected, that being a new Parliament, the House could not take cognizance of the conduct of a speaker of preceding Parliaments, or vote him thanks for that conduct. Sir Fletcher Norton had been speaker nearly eleven years; his services therefore were not mere services of yesterday; and though most certainly when a new Parliament was summoned,

moved, it was not to be supposed that the speaker of the old Parliament continued in his office as a matter of course, his merits, nevertheless, when acknowledged, were not to be passed over in silence. The vote of thanks to Mr. Onslow, was a vote for thirty-three years services, a vote agreed to by many gentlemen who were not born at the commencement of the period during which Mr. Onslow had been chosen speaker. He, for one, sat in Parliament when that vote was moved, and he agreed to it, though he was among those who had not been born when Mr. Onslow was first introduced into the chair. The precedent, therefore, clearly shewed that it was not uncustomary for one Parliament to look back, and vote thanks to a speaker for conduct which he had adopted, and uniformly pursued before that Parliament had existence.

As to the wording of the present motion, Mr. Townshend said, he was free to own that he had laboured under much difficulty. Perfectly aware that unanimity was the matter most to be desired, he had not easily hit upon words which would serve to dress it up, so as to render it perfectly acceptable to every palate; he might indeed have saved himself much trouble by adopting the language of the noble Lord and the right honourable gentleman, who moved and seconded the motion on the first day of the session; no words could more exactly hit his sentiments of the late speaker's merit, than the words which both the noble Lord and the right honourable gentleman had used on that occasion; and when the House recollected, that they had held out to the present speaker the conduct of his predecessor as the best model he could follow, and the fittest object of his imitation, if he was desirous of gaining a high character by his conduct in the chair, the House would doubtless join with him in feeling the truth of this remark. It might, however, be thought unhandsome in him to take words out of other gentlemen's mouths. He might be charged with having acted in the character of a plagiary, a character which he had not the smallest inclination to challenge.

After puzzling himself for some time, he said, he had recourse to precedent, and there his difficulty was rather encreased than diminished. Highly as he thought of Sir Fletcher Norton's merits, highly as he flattered himself, the conduct of the present speaker would entitle him to think of his merits hereafter, he could not offer to the late, or the present, so insidious and so insincere a compliment, as to place either of them on the same level with Mr. Onslow. Mr.

Onslow

Onslow was a very singular and a very extraordinary character, a character which it fell to the lot of few men to resemble perfectly. He could not, therefore, thinking as he did upon this head, bring his mind to the idea that it was right, or that Sir Fletcher Norton would think himself obliged to him, if he went so far as to copy exactly the motion of thanks which stood upon the Journals, as having been voted to Mr. Onslow. The motion he at first drew up, was pretty nearly to this purpose; "That the thanks of this House be given to the Right Honourable Sir Fletcher Norton, late speaker of this House, for the great dignity, ability, and impartiality, with which he filled the chair, during the two last Parliaments." This he thought would prove generally acceptable; but on shewing it to certain persons, it was not approved; he drew up another, and others disliked that. His wish was not barely to thank Sir Fletcher Norton in cold language, and without the appearance of cordiality, but to let the motion convey tokens of warmth, of affection, of sincerity. Experience however taught him, that no such motion would pass unobjected to in that House. In order, therefore, to meet unanimity, he had at length been obliged to have recourse to a motion couched in the most naked terms, and which was so far from being likely to challenge objection, that he feared it would not be thought any compliment at all. He added, that the motion fell so far short of his wishes and his feelings, that he thought it necessary, in his own defence, to say thus much of it, lest gentlemen should imagine that he approved of it, and considered it as sufficient to the purpose. He then (after reserving to himself a right to reply) concluded, with moving "That the thanks of this House be given to the Right Honourable Sir Fletcher Norton, Knight, late speaker of this House, for his conduct while he filled the chair of the House during the two last Parliaments."

Sir *William Gordon* said, he never rose in that House but with the utmost embarrassment, and he at that moment felt himself under more than usual difficulty. If he ventured to oppose the present motion, it might be imputed to ill-nature, to personal animosity, or to malice, passions which he trusted had as small a share in his mind, as in that of any one gentleman living. Laying them now totally aside, as he always should do, whenever he troubled the House with his sentiments on any subject which came under consideration within those walls, he must oppose the motion, and that for this reason; in order to be consistent with himself. He had been one of that majority who, on the first day of the session, *Sir W. Gordon.*

 voted

voted that the present speaker should take the chair, he could not, therefore, without glaring inconsistency, now vote thanks to Sir Fletcher Norton, and he was not a little astonished, that any such motion should be made. He had taken the trouble to search the Journals, upon which not a single precedent appeared, that of the thanks of the House having been voted to Mr Onslow, was exceedingly dissimilar, why then the House should now, without any specific reason assigned, make a new and an extraordinary precedent, he was at a loss to guess. The thanks of that House he had ever considered as the highest honour a subject could bestow, it behoved the House therefore to vote their thanks on none but real and singularly meritorious occasions. The value of the vote of thanks would decrease, and the honour would no longer continue estimable, if the vote was lightly resolved on. Sir William added, that if the moving the thanks of the House became frequent, he could not help thinking what he remembered to have had said to him by a foreigner, respecting the *Croix de St. Louis*, would be perfectly applicable to such a vote: "It is dishonourable not to get it, not very honourable when obtained."

Colonel *Onslow*. Colonel *Onslow* said, he scarcely knew in what words sufficiently to thank the honourable gentleman who made the motion, for the very handsome manner in which he had been pleased to mention a near relation of his, who had formerly filled the chair so much to his own credit, and to the satisfaction of those who were in his day members of that House. If that good man could look down from heaven and observe what had passed, he was sure he would be greatly pleased, and if any thing could enhance his satisfaction, it would be to hear that his eulogium had come from the mouth of a Townshend. Having said this, the Colonel declared he must nevertheless give his opinion against the motion. Mr Onslow, while speaker, it was true had frequently, when he went up with public money-bills, expressed, in strong constitutional terms, an earnest wish that the money might be applied to the services for which it had been granted, that it might be œconomically expended, and that care might be taken neither to waste it in prodigality, nor to use it in such a manner as was not likely to promote either the honour or the prosperity of the kingdom. But would any gentleman think that Mr Onslow would, without the least previous authority from the House, when he went up with a bill for the encrease of the civil list, say to the King, "Sir, take care how you spend your own money, lay it out in such or such a manner!" Was that a

sort

sort of language that gentlemen imagined Mr. Onslow would, have held? Mr. Onslow would not have addressed the throne in that stile! Mr. Onslow would have thought it an insult to the throne, and an insult to the Commons of Great Britain! Mr. Onslow would have considered it as questioning the liberality of the House of Commons, as disgracefully reflecting on their generosity. The Commons of England, the colonel said, was a great gentleman. The whole conduct of the Commons of England ought to be manly, noble, and generous. Every one of their acts should be upon a large scale, and their language should never savour of meanness nor distrust. With regard to the precedent of the thanks of the House having been voted to Mr. Onslow, the precedent was by no means in point. By that precedent, who did it appear had voted the thanks of the House to Mr. Onslow?—a living Parliament! Was that the case now?—The direct contrary. Mr. Onslow had been thanked by the House, and his Majesty had been addressed to make some provision for his family. Sir Fletcher Norton had taken care of the latter, before he took the chair. The colonel said farther that as to the motion, he for one should neither vote for it, nor against it; he did not think it became him to vote against his colleague, whatever his opinion might be of his conduct, nor was he inclined to do any thing disagreeable to any part of his constitutents, let that part be ever so small.

Mr. *Robert* began with soliciting the goodness of the House, to excuse the rough manner in which a member so inexperienced as he was, might possibly express himself. He then said, that he had voted for the displacing Sir Fletcher Norton on the first day of the session, and that he conceived the majority of that day could not with the least consistency vote for the present motion. He therefore, as one of that majority, rose, to say, that he should vote against the question. It was not possible for him as a young member, to know what had been the merits of Sir Fletcher Norton, while he sat in the chair; having seen no speaker there but the present, how could he agree to thank the late speaker for his conduct? On the first day of the session, a right honourable gentleman had declared in strong and clear language, that Sir Fletcher Norton had made a speech to the throne, which was both ill-timed and improper. Not having heard any good arguments urged in contradiction of that assertion, he had given it credit, and for that reason had voted against Sir Fletcher's taking the chair again. The decision of that day Mr. Roberts.

convinced

convinced him, that he had adopted the right opinion, and as Sir Fletcher Norton was then ousted, he was a little surprized to hear any gentleman rise and move, that the thanks of the House be voted to Sir Fletcher Norton. He could not reconcile the vote of the first day, with the proposition now moved, and therefore he should vote against the latter.

Lord Duncannon.

Lord *Duncannon* declared, that although he had not sat in the last Parliament, he had heard of that speech, to which allusion had been made by the right honourable gentleman who made the motion, and by the two last speakers. That the speech met with his full approbation; he thought it did great credit to the late speaker, whose conduct on that and other occasions merited the warmest thanks of the House; he therefore should vote for the motion.

Sir Francis Basset.

Sir *Francis Basset* said it was impossible for him, as a young member, to be competent to decide on the propriety of the present motion; he could not, therefore, make himself responsible for it, by voting in its support. If Sir Fletcher Norton merited the thanks of that House, he should have imagined the last Parliament, who had witnessed Sir Fletcher's conduct, would have voted them. The last Parliament had not done this, and from the vote of the first day, he could not suspect that the present Parliament had any inclination to adopt such a proposition, as was now before the House. He declared he had the honour to vote with the majority on the first day of the session, because he was inclined, from the argument of that day's debate, to think, it was a wise measure to chuse a new speaker. Not having sat in the former Parliament, it was impossible for him to form an opinion, from his own knowledge, of the late speaker's conduct. He understood 170 members of that House were in the same predicament with himself; they could not be judges of Sir Fletcher Norton's conduct any more than he could, and therefore he thought it would neither be warrantable for them nor him to vote for the present motion.

Mr. Steele.

Mr. *Steele* said the obvious reason, why the last Parliament had not come to a vote like that now proposed, was, on account of the sudden dissolution of that Parliament. He declared, that an end was put to the existence of the last Parliament, altogether unexpectedly. That there were gentlemen present, who were in camp with him at the time, who saw the soldiers moving off to their respective seats of freedom, in exercise of the right given them by the act of Parliament, at their own will, to the great irregularity of

military

military discipline; even their general not having power to restrain them. Having noticed this inconveniency, Mr. Steele said he did not merely take up the matter, as the hon. baronet who spoke last did, on the opinion of others; that although he had not been in the late Parliament, he had heard of the conduct of the late speaker, and it had met with his hearty approbation. The celebrated speech made by Sir Fletcher Norton had been printed by order of the House, and was matter of public notoriety. That speech he approved, and he believed every man, who had the dignity of the Commons of England at heart, approved of it likewise. He concluded with declaring that he should vote for the question.

General *Smith* supported the motion, and entered into a defence of the speech made by the late speaker at the bar of the House of Lords, arguing upon the strict propriety of his admonishing his Majesty to dispose of the large sum the Commons had voted for the support of his civil list. The General also, as a just tribute of praise to Sir Fletcher Norton, stated to the House the great civility he had, on a former occasion, experienced at his hands, in the course of a transaction which had given them no small trouble. General *Smith*.

Mr. *Courtenaye* opposed the motion, and said he must first take notice of the little share of argument produced in its support, which could, or ought to weigh with him and the other young members. The right honourable gentleman who moved it, he observed, had drawn up the motion in general terms; he had nevertheless expressly declared, that he did not rest it on the speech at the bar of another House, which had so frequently been adverted to in the course of the debate. He, for one, was free to say, that he was very far from approving of that speech; how then was he to reconcile himself to a motion, of a general tendency, which of course comprehended that part of the last speaker's conduct, as well as every other? There was no exception in the words of the motion, though the right honourable mover had taken such pains to except to it in his introductory argument. In his opinion there was in Sir Fletcher Norton's speech to the throne, something altogether unwarrantable. He knew not where to look for an example, unless he referred to city politics. In the records of London, it was to be found that a Lord Mayor, taking advantage of his official capacity, which brought him into the presence of his Sovereign, had dared, with all the insolent gravity of magistracy, to address Mr. *Courtenaye*.

his

his Sovereign with an extempore ſpeech. The Houſe well knew how that ſpeech had been received in the city, and how the author* of it had been thanked. A ſtatue had been put up in Guildhall to his memory, with his figure ſtanding in a poſition of oratory, and this ſpeech in his hand.

This live-long ſpeech e'en Balaam's aſs might own,
Fit for eternal record, cut in city ſtone.

Were that Houſe prepared to follow the example? Would they, the great repreſentatives of the Britiſh nation, go look for precedents on the other ſide Temple Bar? Would they build up the fame of a diſplaced ſpeaker, becauſe, like a city mayor, he had inſulted his Sovereign—?

Mr. *Townſhend.* Mr. *Townſhend* roſe to call the honourable gentleman to order. He ſaid, as a young member, he was excuſable, becauſe, it was not to be ſuppoſed, that he was acquainted with the rules of the Houſe, but that he could not ſit ſilent and hear the King's name uſed to influence debate within thoſe walls. This error had been fallen into, on the firſt day of the ſeſſion, and he lamented, that he had not then riſen to call the right honourable gentleman who was diſorderly, to order.

The *Speaker.* The *Speaker* from the chair told the honourable gentleman, who had uſed the name of the Sovereign, that it was the firſt, the moſt important and moſt ſacred of all the orders of that Houſe, never to uſe the name of the King in the courſe of argument, with a view to influence the freedom of debate, and begged him in future to attend punctilioully to this order, as it was his duty to enforce it ſtrictly upon all occaſions.

Mr. *Courtenaye.* Mr. *Courtenaye* apologized for mentioning the Sovereign; and then called upon all who were like himſelf, young members, to recollect what had paſſed on the firſt day of the ſeſſion, when the ſcene was the moſt ſtriking that perhaps ever was exhibited within thoſe walls, and when the principal actor in that ſcene, the late ſpeaker, had given an example of heroic fortitude equal to any that ever had been diſplayed by a Roman matron. He wiſhed for the pencil of a Weſt, or a Copley to do it full juſtice. Being but a bad painter, he muſt have recourſe to poetry, and recall the idea of that ſcene to the minds of the Houſe, by ſtating, that it ſtruck him as a ſtrong reſemblance of the ſcene which paſſed between Paulo Purganti and his wife. The late ſpeaker on the firſt day, ſat and heard the noble Lord who had moved the queſtion of that day, and the right honourable ſeconder anxious for his health, expreſſive of their care for his conſtitution, and thence deſirous of removing the burthen of buſineſs

ness off his shoulders. The House heard the right honourable gentleman, the late speaker, confess, that his constitution was impaired, that his faculties were injured, that he was much the worse for having sat so long in that chair, and yet afterwards when the right honourable gentleman's friends had expressed a desire of that gentleman's return to the chair, the right honourable gentleman had stood up, and like a Roman matron, despising the thorns with which the seat was filled, despising all fear of restless days, sleepless nights, and dull debates, declared himself again willing to undergo the punishment of sitting there.—Thus the doctor in the tale, like the noble Lord, was laborious in recommending patience to his wife, in giving her recipes for her health, but she, with Roman firmness, in spite of all advice, still urged her wishes and her resolution, till at length the doctor cried,

I'll do it—but I give you warning:
You'll die before to-morrow morning.—

And then, like the right honourable gentleman on the first day of the session, Paulo Purganti's wife, in defiance of the threatened danger, replied,

Let wanton wives by death be scar'd:
But, to my comfort, I'm prepar'd.

Having raised a laugh by this allusion, he observed that what the right honourable gentleman had said, respecting Mr. Grenville's bill, and the conversation that had been held that day with regard to the Coventry election, was but an ill compliment to the House; for it was pretty plainly telling them, that were they not restrained by a positive act of Parliament, they would have proceeded immediately to have declared Mr. Yoe and Mr. Holroyd duly elected members for Coventry. After urging this, he called upon the young members to recollect, that all who had voted with the majority on the first day of the session, were bound in honour to vote against the present question, an obligation which he declared he felt, and should certainly comply with.

Lord *Mahon* defended the motion from the various attacks that had been made upon it, and said he did not, like other young members, approve of Sir Fletcher Norton's conduct upon hear-say; he drew his approbation of it from the records of the House, and from what appeared upon the Journals. That the Votes and Journals conveyed to those out of Parliament, authentic proof of what passed within those walls; that therefore it was neither presumptuous nor unfair for him, or Lord *Mahon*.

 others,

others, who, like himself, had not been in the last Parliament, to form an opinion on the conduct of the late speaker. His Lordship reprobated, in the strongest language, what had fallen from colonel Onslow respecting the King's civil list, and said he never would sit silent in that House, when he heard any honourable gentleman compare the grants of Parliament to the crown, for any purpose whatever, with the private fortune of a private gentleman. He contended, that the House had itself come to a decided opinion upon the subject, and that a formal resolution stood upon the Journals, by which it was expressly declared, that the House had at all times an indisputable right to controul the expenditure of the King's civil list, as freely and as fully as the House had a right to controul any other part of the expenditure of the public revenue. This right, he asserted, was inherent in the constitution of Parliament, and of the utmost importance to the subject; it was essential to the rights and privileges of that House, and essential to the freedom of the people at large. His Lordship reprobated the idea of calling the House of Commons a great gentleman; no comparison of that kind, he said, would hold, and such comparisons ought never to pass unnoticed. After very warmly opposing the opinions of those gentlemen who had objected to the motion, his Lordship concluded with declaring he should vote for the question.

Sir George Savile.

Sir *George Savile* complimented Lord Mahon on the sentiments he had just expressed, and humorously declaring he rose as a young member, said, he could not but take notice of what his right honourable friend who made the motion, had alledged, of his having shewn it in one form to one person, in another form to another, and in a third form to a third person; but that this, that, and the other mode of dressing it up would not do. He declared this description of dressing it up one way, and dressing it up another, made him for a moment look upon his right honourable friend as either a mantua-maker, a taylor, or a botcher, who having found it so extremely difficult to dress his child to the taste of some macaronies, fops, or capricios, had at last brought the babe before the House quite naked. The motion, he declared, struck him to be the most naked of the kind that ever was exhibited, he begged therefore to know, and he called upon his right honourable friend to say, who it was that this would not please, that would not please, nor the other would not please?

Mr.

Mr. *Townshend*, laughing, said, he did not expect to have been called upon for such an explanation by his honourable friend, but that he was not ashamed to acknowledge the fact. That he wished the thanks of the House should be voted unanimously to the late speaker, and therefore he had endeavoured to make it palatable to the treasury bench, being too old a member of Parliament, not to know the weight of that bench in that House. That it was to satisfy them, and make the motion acceptable to their taste, that he had dressed and redressed it as he had described. Having stated this, Mr. Townshend, took notice of the objections made to it, and said, he was perfectly content if the motion was to be lost, that the loss of it should go out to the world on these two points. The one, that the speech of Sir Fletcher Norton at the bar of the House of Lords during the existence of the last Parliament, was deemed an unpardonable offence by ministers. The other, that as a punishment for Sir Fletcher's conduct, ministers were determined to oust him, and had ousted him accordingly, on the first day of the session of the present Parliament. Mr. Townshend.

Mr. *Rigby* said, that he made no scruple to declare, that he disliked the services of Sir Fletcher Norton. Sir Fletcher Norton he thought, had acted wisely and well, during the former part of the time in which he had filled the chair of the House; perhaps a day would come, when Sir Fletcher Norton would repent his not having uniformly pursued that conduct to this day. Mr. Rigby contended that the motion was without all example, that Mr. Onslow had been thanked by a living Parliament as a prelude to another motion, for an address to his Majesty to reward him. Was that meant to be the example to be copied? If it were not, the present motion was nonsense. Mr. Rigby.

Mr. *Fox* replied to Mr. Rigby and Mr. Courtenaye, asking if these gentlemen meant to state it, the one as an historical fact, that Sir Fletcher Norton had flown in the King's face; the other, as a recital of a well known transaction, that he had insulted the King? He ridiculed, in poignant terms, Mr. Rigby's expression of a doubt, whether a day might not arrive, when Sir Fletcher Norton would repent of having changed his conduct, and taken a decisive part in support of the people against the influence of the crown. Mr. Fox also seconded Lord Mahon's idea of the civil list of the King being as much subject to the controul of Parliament, as any other part of the public revenue. He said, the public had a right to have Mr. Fox.

the justice of the country supported out of the civil list; to have the great offices of state provided for from that branch of the royal revenue—and they had a right to look for a proper and a becoming establishment for the Prince of Wales. He paid the Prince's understanding the highest compliments, and, as it were, pinned the noble Lord in the blue ribbon down to his promise of last year, that the houshold of the Prince of Wales should be provided for without any further call upon the public. Mr. Fox was profuse in ironical compliments to Lord North, and pressed the noble Lord not to trust himself alone with opposition upon the present question, but as he had a right to be suspicious of their having some design or other to attempt to change his principles and take away his senses, (which the weakness left upon his mind as well as body, by his late illness, might possibly enable them to do,) to bring a good company of his old friends and acquaintance with him into the lobby.

Earl of Surrey. Earl of *Surrey* said he must vote for the motion, which was no more than justice to the man, who had worn out his constitution in the service of his country. His Lordship wondered, he said, that justice had not been insisted upon by the speakers in favour of the motion.

The question was put, and the House divided. Ayes, 136. Noes, 96.

Went into a Committee on the Land and Malt bills. No debate.

November 21.

Mr. Daniel Parker Coke. Mr. *Daniel Parker Coke* gave notice that he intended to move on the 27th, that the thanks of that House be given to Earl Cornwallis for his services in America.

Lord North. Lord *North* said, that he apprehended there would be but a thin attendance of Members till after the holidays; therefore he moved, that all orders for hearing petitions on controverted elections before the holidays, be discharged. Agreed to, and new days, in January, February, &c. appointed.

Lord Beauchamp. Lord *Beauchamp* rose, he said, to make a motion of which he had given notice yesterday, that a writ be now issued for a new election of members of Parliament for the city of Coventry; a motion which he would have made in the usual course of business, without saying any thing in support of it, if he had not been led, from what passed in the House yesterday, to expect that it would receive much opposition. There was not any complaint brought against the burgesses of Coventry; they were innocent, why then should they be punished by a temporary disfranchisement? It had been said that

the burgesses of Hindon had been disfranchised for a time. True, Sir, but they deserved that punishment. It was the great object of Mr. Grenville's bill to reduce trials of contested elections to certain, fixed, and regular laws, that nothing might depend on faction, and for that end, as little as possible might rest in the discretion of the House. But if we should now refuse to send a writ for the election of members for Coventry; if we should violate the law in one instance, we would soon do it in another, and that bill, with all its good effects, would fall to the ground.—That very discretionary power of issuing or not issuing writs of election, for which an hon. gentleman had contended last night, was in the reign of King James, in times of less liberty than the present, looked upon with jealousy, and exclaimed against as an infringement of freedom. Sir Francis Goodwin refused to submit to that discretionary power which was then usurped by the crown; and is the usurpation on the liberties of the people less, though it is made by a number of men instead of one? And if the people have a right to be represented, they have a right to be represented always, and all delays of giving them an opportunity of chusing their representatives, is injustice. The following is a maxim in Magna Charta, *nulli negabitur justitia, nulli deferetur*. Why should the House depart from a fixed order? What has happened? Riots and tumults. Riots and tumults happened in an election at Brentford. The officers, whose duty it was to keep order, represented to the House of Commons, that they were not able to keep peace, and they asked the advice and assistance of the House. The House advised them to get a sufficient number of constables, and to preserve the peace by all possible means. This was a case exactly in point. It was said that the election could not go on at Coventry without the aid of the House; but what aid could the House give to the officers who were to preside at the ensuing election at Coventry, that they were not already in possession of? Besides, the officers to preside at the future were not the same who presided at the last election. His Lordship considered the petition from Sir Thomas Halifax and Mr. Rogers, as mere allegations, until the facts they alledged, should be proved. He adverted to the inconveniences that would flow from giving credit to mere affirmation of this kind. He was yet at liberty to consider the petition in the light of the effects of the smart of disappointment. The delay proposed was an injury to the inhabitants of that great trading city, the inhabitants of which would be in a ferment until the election should be over; and

the loss arising from their dissipation and idleness was a loss to the public. His Lordship concluded with reading his motion.

Mr. Fox. Mr. *Fox* gave the noble Lord credit for the ingenuity and industry with which he had supported so bad a cause. These qualities evidently exerted, betray, however, oftentimes the weakness of the cause that needs their aid. The noble Lord, practising an usual art, endeavours to drown an unpopular and unjust proposition, by shading and confounding it with ideas just and popular. He talks of *Magna Charta*, of jealousy, of discretionary power, of the resistance made to discretionary power in former reigns. Good God, Sir, who would imagine that the noble Lord was defending an intention to issue out a writ for the immediate election of members for Coventry! Who would not imagine that he was supporting a motion to defer that election until it could be made with freedom? The freedom of election, the independency and privileges of the House of Commons could not be any where lodged so safely as in their own hands, in their own discretion. Are the facts alledged by the petitioners mere allegations? Is the noble Lord willing to bring that matter to a trial? Mr. Fox made a distinction between mere report, vague rumour, and random affirmations, and allegations contained in a petition to the House of Commons. The petition from Coventry was before the House, and the House must decide upon it. The question then is, whether they ought not to decide upon it, before issuing out a writ for a new election. Oh! but, says the noble Lord, a delay would be injustice to the electors of Coventry, who ought not to be unrepresented, not for a week. But it is better to be unrepresented for a fortnight, than to be unrepresented for a whole parliament: for at present, a free election at Coventry cannot take place. He concluded with saying, that the merits of the petition might soon be determined; that it would be unjust to issue out the writ proposed before that should be done. He contended farther, that should a new election be ordered in the present circumstances, for Coventry, that would be an encouragement of riots and tumults; for then it would be said, let us try the effects of violence; if it succeeds it is well; if not, we have an equal chance with our competitors afterwards.

Mr. Macdonald. Mr. *Macdonald* said, that for the last reason which the honourable gentleman had adduced for his being against the motion, he would be for it. Without mentioning names or conjectures, he thought it very probable that some one of the parties in Coventry wished for a delay, and their wishes would be gratified, by refusing at the present time to issue out the

writ

writ now moved for. The rioters, or ſham-rioters, might have been employed on purpoſe to occaſion a delay, and he would not forward the intentions of their abettors If to find out the cauſes of the riots, and their aiders and abettors were ſo eaſy a matter, if the cauſe could be ſo eaſily decided as the hon. gentleman imagined, then it was a bad argument in his mouth, that the attendance of the petitioners and their witneſſes at the bar of the Houſe of Commons, would materially injure their election. For a few witneſſes only it ſhould ſeem would be neceſſary; but for his part he thought the trial might be a long one, and might not be over during this ſeſſion of parliament. However theſe things might be on the ground of adherence to parliamentary order and form, he would ſupport the motion.

Lord *Mahon* was for giving the ſame latitude to the electors of Coventry, in reſpect of time, that is given in the caſe of double returns. Lord *Mahon.*

Mr. *Winchcombe Hartley* ſuſpected that there were ſtill riots in Coventry.

Sir *G. Yonge* ſaid, that what had fallen from the laſt ſpeaker, led him to apprehend, that the writ of the Houſe of Commons for a new election at Coventry might meet with the ſame treatment ſhewn to the laſt, if the cauſes and inſtruments, aiders and abbettors of the riots, were not inquired into firſt and puniſhed; and that in this manner the authority of the Houſe would be brought into contempt. Sir *G. Yonge.*

Major *Egerton* ſaid, he was at Coventry at the time of the election. That there had been little if any rioting at Coventry. No violence had been uſed, and no other oppoſition or force but what ariſes from ſhouting, and the preſſure of a multitude. If there was any violence offered, he did not believe it was of ſuch a kind as to prevent the electors from voting, if they had had a mind to do ſo. Major *Egerton.*

On a diviſion of the Houſe, there appeared for Lord Beauchamp's motion 114; Againſt it 54.

Tellers for the Ayes, Lord Liſburne, Right Hon. Welbore Ellis. For the Noes, General Burgoyne, Mr. Sheridan.

November 22. No debate.

November 23.

Mr. *Speaker* acquainted the Houſe, that he had received from the right honourable Sir Fletcher Norton, late ſpeaker of this Houſe, the following letter, received by him from Admiral Sir George Brydges Rodney, baronet, in return to the thanks of the Houſe of Commons, tranſmitted to the ſaid admiral by the ſaid Sir Fletcher Norton, in obedience Mr. *Speaker.*

to

to their commands of the 29th day of February, in the last session of Parliament.

"SIR, *Sandwich, at St. Lucia, July* 16, 1780.

"It is with the deepest impression of gratitude and respect, that I am now to acknowledge your very polite communication, and that transcendant honour which so august an assembly as the Commons of Great Britain, in Parliament assembled, have been pleased to confer upon me, by their unanimous vote of thanks.

"When I reflect upon the insignificancy of my poor services, compared with the magnitude of that retribution by which they have been so eminently distinguished, I am at a loss how to express that just and proper sense which I entertain of the same.

"Upon your kindness I must wholly rely, Sir, to make that true report of my most grateful acknowledgements of this great obligation, by which the House of Commons have bound me, under the strongest ties of gratitude, to persevere in an unremitting exertion of my utmost endeavours to promote the honour and aggrandizement of the British flag.

"I cannot conclude without requesting, that you will be pleased to accept my warmest thanks for your truly polite and obliging manner of conveying to me the sense and resolution of the House of Commons.

I have the honour to be,
With the highest respect and regard,
Sir, your most obedient
and most humble servant,
G. B. RODNEY."

To the right hon. Sir Fletcher Norton,
Speaker of the House of Commons, &c. &c.

November 24.

This day Sir Guy Carleton, presented the following paper at the bar of the House:

To the honourable the knights, citizens, and burgesses, in Parliament assembled.

A Report of the Commissioners appointed to examine, take, and state, the Public Accounts of the kingdom.

THE act of Parliament that constitutes us commissioners for examining, taking, and stating, the public accounts of the kingdom, being passed, we entered immediately upon the execution of the powers thereby vested in us; we took the

oath prescribed, and settled the necessary arrangements of office and forms of proceeding.

The legislature not having left to our discretion, which of the various subjects referred to our consideration we should begin our enquiries with, but on the contrary, having expressly directed us, "in the first place, to take an account of the public money in the hands of the several accountants; and for that purpose to call upon them to deliver in a cash account; and to consider what sum it might be proper to leave in the hands of each accountant respectively, for carrying on the services to which the same is or might be applicable, and what sums might be taken out of their hands for the public service;" we, in obedience to the act, immediately applied ourselves to that subject.

The public accountants may be distinguished into three classes.

1st. Those who receive public money from the subject, to be paid into the exchequer.

2dly. Those who receive public money out of the exchequer by way of imprest, and upon account.

3dly. Those who receive public money from certain of this last class of accountants, subject to account, and who may be called sub-accountants.

We began our inquiries in the first class, and of that class, with the receivers general of the land tax. To come at a knowledge of their names, and of the balances of public money in their hands, we procured from the tax office the last certificate of the remains of the land tax. By that certificate it appeared, that of the land tax, window, and house tax, to Lady-day last, the arrears in the hands of the receivers general, upon the 14th July last, amounted to the sum of three hundred and ninety-eight thousand seven hundred and forty-eight pounds nine shillings and five pence halfpenny.

As this certificate was grounded upon returns not made to us, but to the tax office, we issued our precepts to every receiver general of the land tax, and to the representatives of those who were dead, requiring them forthwith to transmit to us an account of the public money in their hands, custody, or power, at the time they should each of them receive our precept.

Returns were accordingly made to all our precepts; a list of which returns, with their several dates, is set forth in the Appendix to this report; and from these it appears, that the balances of the taxes on land, windows and houses, servants, See Appendix. No. 1.

 and

and inhabited houses, remaining in their respective hands upon the days therein mentioned, amounted together to the sum of six hundred and fifty-seven thousand four hundred pounds thirteen shillings and four pence.

We proceeded in the next place, pursuant to the directions of the act, to enquire to what services these sums were or might be applicable, in the hands of the respective accountants.

And we find, that by the militia act, of the second of his present Majesty, the receiver general of the land tax for every county, is required to pay to the commanding officer of every company of the militia of that county, being ordered out into, or being out in, actual service, one guinea for each private man belonging to his company, upon the day appointed for marching; and that by the act of the twentieth of his present Majesty, for defraying the charge of the pay and cloathing of the militia, he is ordered to pay to the clerk of the general meetings five pounds five shillings for each meeting, and to every of the clerks of the sub-division meetings, one pound one shilling for each meeting: and, except the charges of collecting, receiving, and accounting, we do not find, that, when the militia is embodied, the duties collected by these receivers are liable to any payments, or applicable to any other services whatsoever.

In the returns made to us by the receivers general, such sums as are stated to have been paid for these services of the militia, for the year 1779, are different in different counties; but as these payments cannot from the nature of them amount in any county to a considerable sum, we conceive they may be made out of the current receipts of these taxes.

As the receiver general is required by the land tax act, within twenty days at farthest after he has received money for that duty, and by the acts which grant the duties on houses, windows, servants, and inhabited houses, within forty days after he has received those duties, to pay the same into the exchequer; it became necessary for us to enquire upon what grounds, and for what purposes, the receivers general retained in their hands so considerable a part of these duties, so long after the same, ought, according to the directions of the several acts abovementioned, to have been paid into the exchequer. To this point, amongst others, we examined George Rose, esq; secretary to the tax office; John Fordyce, esq; receiver general for Scotland; William Mitford, esq; receiver general for the county of Sussex; Thomas Allen, esq;

See Appendix. No. 2.3. No. 4. No. 5.

esq; receiver general for part of the county of Somerset; See Appendix.
Thomas Walley Partington, esq; receiver general for the counties of Northampton and Rutland, and town of Northampton; and George Rowley, esq; receiver general for the county of Huntingdon. No. 6. No. 7.

In these examinations, two reasons are assigned for this detention of the public money; one is, the difficulty of procuring remittances to London, especially from the distant counties; the other is, the insufficiency of the salary of two pence in the pound, allowed the receiver by the land tax and other acts, upon the sums paid by him into the exchequer, to answer the trouble, risque, and expence, attending his office; to supply which, and to render the employment worth having, he has been accustomed to retain in his hands a considerable part of these duties, for the purpose of his own advantage.

As an examination into the manner and charge of collecting and remitting, in an office of receipt, similar in its circumstances, might enable us to form some judgment upon the validity of these reasons; we directed our inquiries to the collection and remittance of the duties of excise.

For this purpose we examined Goulston Bruere, Esquire, No. 8.
first general accountant; Richard Paten, Esquire, second No. 9.
general accountant in that office; Mr. Richard Richardson, No. 10.
collector of excise for the Hertford collection; Mr. Thomas
Ball, collector of excise for the Bath collection; and George No. 11.
Rowley, Esquire, who is collector of excise for Bedford No. 7.
collection, as well as receiver general of the land tax for the
county of Huntingdon; and George Lewis Scott, Esquire, No. 12.
one of the commissioners of excise. We procured too, from that office, an account of the gross and nett produce of the excise, received by each collector for the year 1779; in which it appears, that the gross produce amounted to the sum of three millions seven hundred and fourteen thousand seven hundred and seventy-one pounds sixteen shillings and an halfpenny, exclusive of the receipt at the excise office in London, paid in by the persons charged, without the intervention of a collector; which gross sum being, as we apprehend, considerably more than the amount of the duties paid to the receivers general, is collected in England and Wales by fifty-three collectors, being only two more than the number of receivers general of the land tax, including Scotland.

From these last examinations we learn, that each collector of excise goes his rounds eight times in the year; that he remits the whole of his nett collection in every round to the

excise office, chiefly by bills at twenty one days after date, in the counties near London; at thirty days, in the more remote counties; and at fifty or sixty days, in the most distant, and none at a longer date; that he is continually remitting during his round; and within a week after it is finished, sends up by a balance bill, all that remains of the duties collected by him in that round; that he finds no difficulty in procuring bills; could return more money by the same method; and is never suffered to keep any money in his hands.

Each collector is paid a salary of one hundred and twenty pounds a year, subject to deductions amounting to one shilling and nine pence in the pound; and is allowed perquisites to about one hundred pounds a year more; and gives security for five thousand pounds.

We endeavoured to form some computation of the loss sustained by the public, from the detention of the money by the receivers general, and for that purpose, we called for an account of the quarterly returns made by them to the tax office; from whence it appears, that the average sum in their hands, from the 5th of July, 1778 (when the mode was adopted of transmitting the accounts on oath) to the 7th of July last, amounted to three hundred thirty-four thousand and sixty-one pounds, the interest of which, at four per cent, being thirteen thousand three hundred sixty-two pounds a year, we conceive the public have been obliged to pay, for want of the use of their own money.

See Appendix. No. 13,

But the loss has been, not of interest only, the revenue itself has suffered; for by an account of the arrears and defaulters of the land tax, and other duties, from the year 1756, which we called for from the tax office, those arrears in the hands of the defaulters not included in the first certificate, appear to amount to one hundred and thirteen thousand one hundred and sixty-one pounds seven shillings and two pence halfpenny, of which twenty-four thousand two hundred and fifty seven pounds seven shillings and two pence three farthings is actually lost upon composition; of the remainder, part is in a course of legal proceedings, and the recovery of a great part doubtful: Whereas by a like return which we required from the commissioners of excise, for the same period, we find there have been no arrears or defaulters among the officers of excise, except in one instance, to the amount of three thousand six hundred pounds.

No. 14,

From this comparative view of the modes of collecting and remitting these different duties, and of the advantages accruing

to

to the receiver and collector from their several employments, we are induced to think, that the receiver general of the land tax is not warranted in his detention of the public money, either by the difficulty of procuring bills, or by the insufficiency of his salary.

Supposing, however, the difficulty of procuring bills really to exist, though it might occasion some delay in the remittance, it yet is no justification of the receiver for constantly keeping a large balance in his hands; and, admitting the poundage not to be an equivalent for his pains, yet we are of opinion, that the present mode of supplying the deficiency, by permitting him to withhold the duties, is injurious to the public, and ought to be discontinued.

The revenue should come from the pocket of the subject directly into the exchequer; but to permit receivers to retain it in their hands, expressly for their own advantage, is to furnish them with the strongest motive for withholding it. A private interest is created, in direct opposition to that of the public; government is compelled to have recourse to expensive loans; and the revenue itself is finally endangered.

We are therefore of opinion, that there are no services to which the said sum of six hundred fifty-seven thousand four hundred pounds thirteen shillings and four pence is or may be applicable, in the hands of the receivers general of the land tax, or of the representatives of such of them as are dead; and that it is not proper to leave any part of it in their respective hands; but that the same, or so much thereof as now remains with them, ought to be paid into the exchequer, at such times, and by such installments, as may be thought reasonable, after a practice of so long continuance, and as shall be consistent with such engagements as may have been entered into with any particular receivers.

November, 1780.

GUY CARLETON, (L. S.)
T. ANGUISH, (L. S.)
A. PIGGOTT, (L. S.)
RICHD. NEAVE, (L. S.)
SAML. BEACHCROFT, (L. S.)
GEO. DRUMMOND. (L. S.)

APPEN

APPENDIX.

N° 1.

LIST of the Returns made by the Receivers General of the Land Tax to the Commiſſioners appointed to examine, take, and ſtate, the Public Accounts of the Kingdom.

	£.	s	d.
Bedford, John Miller, 25th July, 1780 —	9201	14	8½
Berks, John Jones, late Receiver, 4th Auguſt	198	18	1½
Do. John Dean, junior, 29th July ——	16443	16	11¼
Bucks, William Minſhal, 26th July ——	8043	19	7
Cambridge and Ely, Francis Dixon, 25th July	16359	12	10
Cheſter, Thomas Mills, 29th July ——	511	1	6¼
Cornwall, John Bodger, 30th July ——	14569	19	—
Cumberland and Weſtmoreland, George Atkinſon, 25th July —— ——	9132	11	1½
Derby, Samuel Crompton, 31ſt July ——	6763	19	6
Devon, Daniel Hamilton, 28th July ——	21977	14	11
Do. Richard Roſe Drew, do. do. ——	17584	16	6¼
Dorſet, Francis Stuart, 27th July ——	8408	12	—½
Durham and Northumberland, Aubone Surtees, 3d Auguſt —— ——	8686	10	—½
Eſſex, Robert Andrews, 5th Auguſt ——	13723	4	10
Do. John Yeldham, 25th July ——	8107	10	1¾
Glouceſter, Richard Colcheſter, 27th July	11548	13	5
Hereford, Executors of James Woodhouſe, 6th Auguſt	6120	18	11¼
Do. George Terry, 29th July ——	7751	16	11½
Hertford, John Balchen Weſt, 27th July —	4227	17	8¾
Huntingdon, John Jackſon, late Receiver, 2d Nov.	14705	1	4½
Do. George Rowley, 7th Auguſt ——	6490	11	5¾
Kent, William Scott, 16th Auguſt ——	9829	9	7¾
Lancaſter, William Gregſon, 1ſt Auguſt ——	7358	2	6½
Leiceſter, Rogers Ruding, 29th July ——	13122	14	7
Lincoln, John Grundy, 27th July ——	22411	2	4
Do. Charles Chaplin, 29th July ——	22412	4	11½
London, Middleſex, and Weſtminſter, Richard Bagot, 31ſt July —— ——	4302	4	8
Do. Robert Wilſon, 1ſt Auguſt ——	6294	3	6¼
London, &c. inhabited houſe tax, William Brummell and B. Broughton, 27th October ——	3272	18	6½
Monmouth, Paul Morgan, 1ſt Auguſt ——	7026	19	3¼

Appendix.

	£.	s.	d.
Norfolk, Roger Kenison, 27th July ——	14786	18	6¼
Do. William Fisher, do. do. ——	14206	11	8
Northampton and Rutland, Thomas Walley Partington, 26th July —— ——	7254	6	11¼
Nottingham, George Mason, 29th July —	10086	6	7¼
Oxford, Thomas Walker, 30th June ——	9635	11	11½
Salop, Somerset Davies, 27th July ——	17052	2	8
Somerset, Thomas Allen, 9th August ——	23479	16	9¼
Do. Charles Hutchings, 29th July ——	20373	15	1
Southampton, John Duthy, 26th July ——	12181	14	4½
Stafford, Francis Cobb, 27th July ——	14605	18	11¾
Suffolk, Thomas Fenn, 31st July ——	18883	11	11¼
Do. John Spink, 26th July ——	12645	7	1
Surry, Joseph Shaw, do. do. ——	1705	—	—
Do. John Ford, 1st October ——	500	—	—
Sussex, William Mitford, 25th July ——	13971	13	2¾
Warwick, Edward Freeman, 28th July ——	9805	9	6
Wilts, Thomas Phipps, 27th July ——	4872	2	8
Do. Edmund Wilkins, do. do. ——	16646	—	4¾
Worcester, Joseph Berwick, 28th July ——	8026	8	2½
Wales, No. Bell Lloyd, do. do. ——	7563	8	1¾
Do. John Herbert, 8th August ——	10314	15	9
Wales, So. William Herbert Dyer, 10th August	9317	9	6
Glamorgan, Edmund Traherne, 30th July ——	6971	14	3¾
York, Marmaduke Constable, 28th July ——	14493	3	—
Do. William Stanhope, do. do. ——	17509	10	1¼
King's Houshold, John Fenshaw, 27th July	1738	5	10¼
Scotland, John Fordyce, 13th November —	52071	1	1
	657,400	13	4

No. 2.

The Examination of George Rose, *esq; Secretary to the Tax Office; taken upon Oath, the 9th of* August, 1780.

George Rose.

THE said examinant saith, That he hath been secretary to the tax office somewhat more than three years.

That the office consists of seven commissioners, a secretary, an assistant secretary, and five clerks.

That the principal duty of the office, as to the land tax, is to superintend the receivers general, and to hasten their payments into the exchequer; and if the collectors appear to be backward in their payments, to urge their being enforced, by

Appendix. by applications to the acting commissioners in the country: that the office receives weekly accounts of the sums paid into the exchequer by the several receivers, and from them, and the receivers accounts, make out a weekly certificate, and transmit the same to the treasury.

That formerly the receivers did not make their returns to the tax office so regularly as at present, both as to the time when they made them, and as to the arrears contained in them.

That about two years ago the office adopted the present mode of requiring the receivers to return their accounts every quarter upon oath, both of the receipt and the arrears, with the names of the divisions in arrear.

That the commissioners of the tax office have no power or controul over the collectors; and that the receivers have made frequent complaints against them: that when the board observe considerable arrears outstanding in any district, they write to the acting commissioners in the country, desiring them to enforce payment from the collectors; but that in general such application has not produced any material effect.

That the only power the tax office has over receivers is, to direct their solicitor to proceed against them in the court of exchequer when they are deficient in their payments, of which there have been two or three instances in his time; but several have been threatened with prosecutions, which has generally produced better payments into the exchequer.

That most of the receivers have constantly balances in their hands, to the knowledge both of the tax officer and the treasury, without any process being ordered to issue against them: no line is drawn to ascertain what that balance may be, but if, in the judgment of the office, it appears large, the receivers are wrote to, to make further payments into the exchequer; that were they to be rigid in compelling them to pay as the land tax act directs, he believes few of the receivers would think their offices worth holding.

This examinant further saith, That the window tax is also under the management of this office, and yields near four hundred thousand pounds a year: that the office receives annually from the several surveyors (of whom there are about one hundred and seventy, besides ten general surveyors) their tax books, containing an account of every rateable house in each district, and from which the office make up their account of this tax.

And

And that the duty on servants, and the duty on inhabited houses, are likewise under the management of this office. Appendix.

Guy Carleton, GEORGE ROSE.
T. Anguish.
Richard Neave,
Samuel Beachcroft,
George Drummond.

No. 3.

The Examination of John Fordyce, *esq; Receiver General of the Land Tax for* Scotland; *taken upon oath, the 27th and 28th days of* July, 1780.

THE said examinant deposeth, That he is receiver general of the land tax for Scotland, and has been so since the the year one thousand seven hundred and sixty-six. *John Fordyce.*

That the said examinant's office is very different from that of the receiver of the land tax in the counties in England, it being the general receipt of the exchequer for Scotland, into which the whole receipt of the land tax is paid by the collectors of the different counties and boroughs in Scotland: that every county and royal burgh has a collector, whose office and duty are similar to that of the receivers of counties in England: that such collectors are appointed, and their reward fixed, by the commissioners of supply: that the said collectors have no pay or reward from government, nor any deduction or poundage out of the land tax received by them, but are paid by the land holders in counties, and by the proprietors or inhabitants of houses in burghs: that their salaries are, he believes, from forty shillings to one hundred pounds a year: that from the situation of the country, and the smallness of the reward to the collectors, he believes that in the greatest part of Scotland they go round the country but once a year; and that therefore the land tax in general is collected annually, and not oftener; and that neither would the state of the country, in many parts, and the greater extent of the counties permit the collectors, nor could they, for the salaries allowed them, be expected to go round quarterly, or even half yearly: that the effect of these circumstances is, that the year of the tax is expired, and the succeeding year begun, before any considerable part of the collection is paid to the receiver general; and consequently the collection is generally a year behind.

Appendix. That he does not receive remittances from the collectors at any fixed or stated periods; and that, for want of that general commercial intercourse which prevails in England, these remittances are as irregular in the means, as they are in the time of coming to his hands, sometimes coming in bills, and sometimes in money.

That he believes there is no premium or discount between any part of Scotland and Edinburgh.

That the mode of this examinant's remittance to London is in bills, which he purchases in Edinburgh, and for which he pays no premium: that he has a fixed correspondent in London, to whom he sends such bills, who pays the money into the exchequer, and to whom he allows a commission for transacting that business.

That the land tax charged upon Scotland, is all paid into the exchequer without the usual deduction allowed in England, or any other deduction whatsoever; and that the expence of collecting is entirely defrayed by the land-holders in counties, and by the proprietors or inhabitants of houses in burghs.

That this examinant is not allowed the poundage of two pence in the pound, established for the receivers in England, or any salary or other reward whatsoever, for receiving the land tax, or as a receiver general thereof.

He has another office under the crown, which he holds during pleasure, namely, that of receiver of the crown rents.

That this office is quite distinct from the other, but has usually gone with it, and been executed by the same person.

That the receiver of the crown rents is allowed a salary of six hundred and fifty pounds *per annum*, subject to taxes, and has no other reward or emolument whatsoever. That the expence of executing both these offices, of the receiver of the crown rents and receiver of the land tax, amounts to seven hundred and fi ty pounds *per annum*.

That the mode of compelling payment of the land tax in Scotland is, as he believes, the same that was established by Oliver Cromwell; this is frequently put in use, and found to be effectual.

That he yesterday morning received the precept of this board, requiring him to lay before the commissioners a cash account of public money in his hands at the time of the receipt of such precept; that, however willing, it is not in his power to comply with the same, because, in the first place, he has hitherto made up his accounts only half-yearly, to Lady-day and

and Michaelmas; that to come at the balance required, it would be necessary for him to balance near four hundred accounts. Secondly, the payment of the whole civil establishment of Scotland, which is made by him, is just approaching, in which his deputy, clerks, and books, will constantly be employed in doing that business. And thirdly, the court of exchequer in Scotland is at present sitting, before which court there are many processes depending against the collectors of the window tax, many of which are referred to him for his examination and report. Appendix.

That with respect to the balance of sixty-four thousand five hundred and seventy pounds, appearing by the certificate from the tax office to be in the hands of this examinant, the largeness of the arrear is partly owing to his having, in and previous to the year 1776, remitted a very considerable sum of money to his agents in London, whose house had been agents to the receivers office in Scotland for 50 years, without any neglect or want of punctuality, to be paid by them into the exchequer, which he supposed had been done, till he received a letter from the tax office, charging him with a much larger balance than he apprehended to be due: that upon the receipt of such letter he came to London, and, applying to his correspondents, found that they had not paid the money into the exchequer as he had supposed: that by using diligence, he recovered a considerable part of it, which was paid into the exchequer immediately: that the remainder, being twenty-two thousand pounds, he has never yet recovered; but by using uncommon diligence, he has procured securities for it, which he believes to be good, and upon which he does not doubt that the whole of it will be recovered in time: that in consideration of all these circumstances, the lords of the treasury, upon his application, have allowed him to pay that sum in installments of five thousand pounds *per annum*, till the whole is paid.

That with respect to the balance of forty-two thousand five hundred and seventy pounds, which will still remain in his hands, after deducting the said sum of twenty-two thousand pounds, for which he has got that indulgence, he can only say, that the use of the money is the only advantage that he has for executing the office of receiver general; and that he does not look upon the use of that sum as more than a reasonable equivalent for the trouble and expence of executing it: that he has, on Thursday last, the 20th instant, engaged to have the general balance between Scotland and the

Appendix. exchequer in England, thirty thousand pounds less at Lady-day next, than it was at Lady-day last, and to pay into the exchequer ten thousand pounds on or before the 10th day of the next month.

Guy Carleton,
T. Anguish,
A. Piggott,
Richard Neave,
Samuel Beachcroft,
James Tierney,
George Drummond.

JOHN FORDYCE.

No. 4.

The Examination of William Mitford, *Esq; Receiver-General of the Land Tax, for the County of* Sussex, *taken upon Oath, the 8th of* August, 1780.

W. Mitford. The said examinant saith, That he has been receiver general of the land tax for the county of Sussex, ever since the year 1773.

That he makes his collection every six months, about the middle of June, and middle of December, and that such has been the usual custom of that county.

That he has no deputy, but does all the business himself; and the advantages of his office are entirely to his own use.

That he brings himself the money he collects to London, in cash or bills, and lodges it at his banker's, who procures payment of the bills for him, and that he always pays into the Exchequer, the whole amount received by him, of the preceding year's tax, about or soon after the Christmas following.

That the collectors, in some of the divisions in his collection, are frequently deficient in their payments, and he has no power to compel them to account, neither has he any means of discovering whether the arrears, which appear due from the country, arise from the money not being collected, or from the collectors withholding their payments.

That he always keeps a balance in hand, it being necessary for him to leave a considerable sum in his banker's hands, to answer the trouble of receiving the bills when due, and that without a balance in hand, the poundage allowed by the act to receivers would not be a sufficient compensation for his trouble and expences, which are considerable, having fees to pay on his appointment, on his entering into his recognizance, on every payment which he makes into the exchequer, on the stating and passing his accounts and obtaining a *quietus*, which in

in his case amount to upwards of ninety pounds a year; besides the necessity of keeping more servants and horses than he otherwise would do, charges in travelling round the county to collect the taxes, the risque of bad bills and of conveying the money to town, and the inconvenience of finding security for upwards of thirty-six thousand pounds. Appendix.

This examinant further saith, That the collection of the servants and inhabited house tax is no advantage to the Receiver; it greatly increases his trouble in collecting, and occasions him more expence in the collection than his poundage amounts to, upon so inconsiderable a sum as it produces.

Thomas Anguish, WIL. MITFORD.
James Tireney,
Geo. Drummond.

No. 5.

The Examination of Thomas Allen, *Esq; Receiver General of the Land Tax for Part of the County of* Somerset; *taken upon Oath, the 18th of* August, 1780.

This examinant saith, That he is now, and has been for about twelve years, receiver general of the land tax for part of the county of Somerset, and that he has the whole profits of the office to his own use.

That the account of his receipts and disbursements is made up quarterly, and sent up to the tax office the first week in the succeeding month.

That he has usually found the collectors deficient in their payments, and that he writes every quarter to the acting commissioners, with the names of such tythings, and a list of all the divisions in arrear, desiring them to enforce payment; that in some divisions this produces payments from the collectors in about three weeks; but in many of the divisions the commissioners altogether disregard the application.

That he believes the fault lies with the collectors, who generally receive the money, and keep it in their hands, sometimes for two years: and it is worth their while; for when the receiver general upon making up his accounts, returns the names of the deficient collectors into the exchequer, they are discharged on paying in the money before process is issued, and a fee of one pound two shillings and sixpence, or thereabouts.

That he usually keeps a considerable balance in his hands which is unavoidable, being at a considerable distance from the capital, and the difficulty great of procuring good bills on London.

Appendix. That he believes the practice of the receivers keeping money in hand is connived at, in order to render the office more advantageous, as the poundage allowed by act of parliament is not adequate to the trouble and expence of it.

That upon receiving letters from the tax office to enforce payments from him, he has made several into the exchequer: That no process has issued against him; but he has this morning been told, by the secrretary to the tax office, that unless he made certain payments within certain times, process would be issued against him.

That his accounts are audited annually at the exchequer; and that he settled his account for the year 1778, in April last.

Guy Carleton,
T. Anguish,
Geo. Drummond,
Richard Neave,
Sam. Beachcroft.

THOMAS ALLEN.

No. 6.

The Examination of Thomas Walley Partington, *Esq; Receiver General of the Land Tax for the Counties of* Northampton *and* Rutland, *and Town of* Northampton; *taken upon Oath, the 22d of* August, 1780.

T. W. Partington. This examinant saith, That he is now, and has been for about six years, receiver general of the land tax for the counties of Northampton and Rutland, and town of Northampton.

That when he was first appointed, in 1774, he was surprized to find large arrears from several parts of the counties due; but upon application to an acting commissioner of one of the divisions in arrear, he acquainted him, the custom of that part of the county was, to pay their taxes as they did their rents, one half year under another, or somewhat later.

That there are ten divisions in his collection; that he found that he could not receive the tax without a deputy at Northampton, who goes his rounds twice a year to collect; that he generally meets him at Towcester, the last place in the collection, brings the money to town, and makes large payments immediately into the exchequer.

That the greatest part of some of the divisions, and lesser parts of others, to about half the annual tax, do not pay at the places appointed half yearly.

That many of the collectors never meet the receiver, but pay their taxes at Northampton, as it suits their convenience;

nience; that several of the towns do not pay up their arrears until after the month of November, and some not until the month of January. Appendix.

That he does not recollect he ever returned any of the collectors *insuper*, but twice since he has been receiver; that on those occasions he paid one time a fee of sixteen shillings and eleven pence, and another time of eighteen shillings and five pence, to the auditor of the land revenue, for a certificate of arrears.

That the money which remained in his hands has been from five thousand to seven thousand pounds; frequently, and particularly lately, not so much as five thousand pounds; but that immediately after his general half-yearly receipt, he has had, in money and bills, between eight thousand and nine thousand pounds, which may sometimes have remained with him a month or six weeks.

That he passes his accounts annually before the auditor of the land revenue, as soon as he has got in all the arrears; and that in February last he paid in his balance, and passed his account up to Lady-day 1779, as soon after as the auditor could prepare it.

That he apprehends the expence of collecting, had he not a deputy, would amount at least to one hundred and twenty pounds a year; but having a deputy, it is considerably more to him.

That the expences of obtaining his commission, paying money into the exchequer, allowing and passing his accounts, for the year 1778, were as follow:

	£.	s.	d.
Tallies on paying money into the exchequer	4	12	—
Commission.			
Treasury fees — — — —	18	11	6
Remembrancer — — — —	7	1	6
Petition and report — — —	1	16	—
To the Auditor.			
Allowing account land — — —	15	4	6
D° houses and windows — — —	20	6	4
Passing account land — — —	16	—	—
Carried over	83	11	10

Brought

Appendix.

		£. s. d.
Brought forward, — —		83 11 10
Dº houses and windows —	£. 37 18 4	67 18 4
Allowed by the king in account	30 — —	
Mr. Taylor — — — —		— 10 6
		£. 92 — 8

Guy Carleton,
T. Anguish,
A. Piggott,
Richard Neave,
Samuel Beachcroft,
George Drummond.

THOMAS W. PARTINGTON.

No. 7.

The Examination of Mr. George Rowley, *Collector of Excise for* Bedford *Collection; taken upon Oath, the 3d of* October, 1780.

G. Rowley. This examinant saith, That he has been a collector of excise for upwards of fifteen years; that he is now, and has been for above thirteen years, collector of Bedford collection; that previous thereto he was for one year collector of Grantham collection, and about another year collector for Wales middle collection.

That his present collection extends into part of Cambridgeshire, part of Bedfordshire, part of Northamptonshire, and the whole of Huntingdonshire.

That he has a salary of one hundred and twenty pounds a year, subject to a deduction of one shilling and nine pence in the pound, and has the usual allowance for riding charges, which, in his collection, amount to one hundred and twelve pounds a year; and some other small perquisites, amounting to about twenty pounds a year more.

That he has never been assessed for the land tax; if he had, he must have paid it out of his own pocket, the commissioners only directing the tax to be repaid on salaries not exceeding one hundred pounds a year.

That the amount of his collection he believes to be upwards of eighty thousand pounds a year.

That there are eight rounds in the year, and that he receives the duties every round in money, bank notes, country bank bills, and drafts on London payable at twenty-one days after date.

That his rounds last twenty days, and that he generally remits twice during each round, at the distance of eight days, and

and remits the balance on the Thursday following the conclusion of his rounds. Appendix.

That his instructions are, to keep no money in his hands but what may be sufficient to answer certain charges, and to remit the balance within six days after the close of the round; with which instructions he complies strictly.

That he finds no difficulty whatever in remitting, and remits about nine tenths of his whole collection in country bank bills, and other drafts upon London; and thinks he could remit more, if necessary, having frequent applications from men in trade to take their drafts.

That the bills were formerly drawn at twenty-eight or thirty days after date, now he is ordered to take none longer than twenty-one days after date.

That he takes security from all the returners themselves, and one or two sureties, being bound for a sum equal to the value of the bills he takes from them; he pays no premium whatever for the bills, nor ever did in his present collection.

That the Grantham collection was not to so large an amount as the Bedford one: he found no difficulty whatever in procuring bills, nor in complying with his instructions of remitting within the time limited; that he paid no premium whatever for his bills, and the whole collection was remitted in country drafts, payable at one month after date.

The collection of Wales Middle is one of the smallest collections; whilst collector there, which is now fifteen or sixteen years ago, he found no difficulty in remitting, the returners being glad to take the money, and give bills for the premium then paid, which was seven shillings *per cent*; which premium, he is well informed, is now totally abolished, and the remittance punctually made; he remitted the whole collection in country drafts, he believes payable at one month after date, and he think he could have procured more bills if necessary.

That he never received a bad bill in any of his collections since he has been a collector.

This examinant further saith, That he is receiver general of the land tax for the county of Huntingdon, and that he has been so since Lady Day 1779; that he also receives the house and window tax, the tax on inhabited houses, and servants tax; that the amount of the land tax for the said county is about fifteen thousand pounds a year.

That the arrears to Lady Day 1780, amount to about six hundred pounds, which are either in the hands of collectors,

Appendix. or ſtill unpaid, by the ſubject; that ſuch arrears include not only the arrears of the land tax, but alſo thoſe of the other taxes, with the collection of which he is charged; and that he has not yet applied to the acting commiſſioners to compel payment thereof, becauſe he expects ſuch payments will be made ſoon.

That he has reaſon to believe the collectors have often had the money in their hands, when they ſaid the tax was ſtill in arrear and unpaid by the ſubject.

That the acting commiſſioners in the county of Huntingdon have offered their aſſiſtance to compel payment from the collectors, and for that purpoſe have lately deſired him to give an account of the arrears ſtanding out at each day's receipt in each hundred, there being only one day for the receipt in each of the four hundreds; which he intends to do, and which he apprehends will contribute to the more ſpeedy payment of the tax.

That in Huntingdonſhire the collection is made half-yearly, after Michaelmas and Lady Day, and they begin to pay the tax in about a month after theſe periods.

That he pays to the caſhier of the bank, partly by caſh and partly by bank bills, what he receives for theſe taxes, taking his receipt for the money; which the caſhier pays into the exchequer, and takes a tally for in this examinant's name.

That he has no doubt he might remit the money by country drafts, if he pleaſed, without paying any premium. There is an eſtabliſhed bank at Cambridge, a good houſe, which, he believes, would give bills on London any day for one hundred thouſand pounds, if wanted.

That he generally has kept about or near one half of the whole of his collection in his hands for one year; that he conſiders the uſe of the money for that time, as part of the advantage of the office of the receiver general of the land tax; and that in ſo ſmall a collection as that of Huntingdon, where the whole amount is not ſeventeen thouſand pounds, he does not think it would be worth while to execute the office, merely for the poundage, without ſuch an advantage.

That his poundage, being only two pence in the pound, does not amount to more than one hundred and forty pounds a year; out of which muſt be deducted the fees paid for obtaining his warrant, of which he has yet no account, as they were not paid by himſelf; the fees for tallies upon paying money into the exchequer, and upon paſſing his accounts, the

the amount of which he does not know, not having yet passed anaccount: that he is also under the necessity of keeping a clerk, as receiver general of the land tax, for that business only, who attends him on the receipt, and keeps his accounts, for which he pays him about twenty-five pounds a year. Appendix.

That his office of collector of excise, is attended with much more trouble to him than that of the receiver-general of the land tax.

That he has now very little more money in his hands, than when he made a return to the precept of this board.

Guy Carleton, GEO. ROWLEY.
A. Piggott,
Richard Neave,
Samuel Beachcroft,
George Drummond.

No. 8.

The Examination of Goulston Bruere, *esq; First General Accountant in the Excise Office; taken upon Oath, the 23d August, 1780.*

This examinant saith; That he is first general accountant in the excise office, for beer and other duties. *G. Bruere.*

That he hath been in the excise office forty-four years, and in his present office about three years.

That one branch of his office is to keep the cash account, and general account of the excise, for the articles in his department, collected throughout England and Wales.

That the salaries of the collectors of excise are appointed by the commissioners, and are one hundred and twenty pounds a year each, with an allowance for riding charges

That the collectors never keep any money in their hands, but remit their whole collection every round, except such small sums as are necessary to pay salaries.

That at the end of every round, the collectors send abstracts of all the duties they have received; and, in general, all over England, remit by bills, payable at different dates, according to the distance of the collections from London; that within one hundred and fifty, or two hundred miles, the bills are generally twenty-one days after date; and in the nothern collections, fifty or sixty days after date.

That in the counties near London, the collectors sometimes bring the money up themselves; but this they do very seldom, and only in particular cases.

Appendix. That he never heard the collectors found any difficulty in procuring bills in the most distant counties; and that they have been always punctual in sending up their accounts and balances.

That before this year, some of the returners of money were allowed a small sum *per cent.* for furnishing bills; which in the year 1779 amounted to twenty-one pounds six shillings and one penny three farthings; but that the commissioners have now discontinued such an allowance.

Guy Carleton, GOULSTON BRUERE.
T. Anguish,
A. Piggott,
George Drummond,
Richard Neave,
Samuel Beachcroft.

No. 9.

The Examination of Richard Paton, *Esq; Second General Accountant in the Excise Office; taken upon Oath, the 1st of September*, 1780.

This examinant saith, That he is second general accountant *R. Paton.* of the excise.

That he has been forty-three years in the accountant's office, and about sixteen years a general accountant.

That the excise duties are divided into seven branches, and that over each branch there is one general accountant.

That his branch is general accountant for the duties on low wines, and other particular duties.

That he keeps an account of the receipts of these duties, and of all payments whatsoever out of them.

That within the bills of mortality, which is the jurisdiction of the chief office, all traders are obliged to pay their duties to the receiver general at the said office.

That every Monday a general cash account is made up of the receipts and payments of the preceding week; and on every Wednesday, if no holiday, the receiver general pays the balance into the exchequer, reserving only a sum sufficient to answer such payments as the office has notice may be demanded the following week.

That out of the bills of mortality, the collectors of excise all over England remit the duties collected by them to the commissioners chiefly in bills, which, in the collections near London,

London, are generally drawn payable at twenty-one days after date; those more remote, at about one month after date; those most remote, from fifty to sixty days after date, and none longer; for the board will not permit the collectors to send bills at longer date, nor will they suffer them to keep money in their hands. Appendix.

That he believes the collectors seldom find any difficulty in procuring bills in the most distant counties, and does not recollect one instance of it, in his branch, since he has been a general accountant.

That the returners of money had formerly various premiums for their bills, from two shillings and six pence to twenty shillings *per cent.* but the commissioners finding the manufacturers and traders in every collection ready to take the money collected, and to give bills for it, they have by degrees diminished the premium, and about Christmas 1778 totally abolished it.

That the collectors have printed instructions from the board, never to keep the bills in their hands more than one week after they have received them; and that during their rounds, of which there are eight in a year, they are continually remitting bills by post to the board, and are obliged, within six days after the collection is finished, to send an abstract of all the bills they have transmitted during that round; and must not fail to clear the balance of each round, if there be any, before the commencement of the succeeding; otherwise they will be charged with interest for such money, and incur the utmost displeasure of the board.

That the collectors in the country, by orders from the board, in consequence of a warrant from the treasury, repay all the officers in their collection the land tax on their respective salaries: that in the city of London, the officers of excise exercising their office there, are assessed in the city, and pay the land tax to the receiver general for London.

That he believes the salaries of all the inferior officers of excise are nearly the same now as they were in the reign of King Charles the Second.

That the commissioners pass the accounts of the collectors once in every year.

That the annual account of each collector, with a duplicate, is stated by an accountant, and examined by the general accountant, both as to the charge and discharge, and each signs the account and duplicate; it is then transmitted, with the vouchers, to the comptroller, who examines, signs, and

Appendix. and returns it to the general accountant; it is then, with the duplicate, laid before the board, who examine the account, and two of the commissioners sign it; after which it is sent to the auditor of the excise, with the credit vouchers, which credit vouchers remain with him, the original account remains in the accountant's office, and the duplicate is sent to the collector. All this is done without any expence attending it; for every officer of excise is bound by oath to take no fee or reward whatever for any thing done in the execution of his office.

That every year a general cash account of the weekly receipts and payments of each respective duty, is made out, and signed by each general accountant, examined and signed by the commissioners, and afterwards sworn to by all of the commissioners, before the cursitor baron of the exchequer.

That afterwards this account goes to the auditor of the excise, who transmits it to the chancellor of the exchequer; he passes it, and grants the commissioners their quietus.

That no expence whatever is paid, in the excise office, for any part of this business done there,

Guy Carleton, R. PATON.
A. Piggott,
Richard Neave,
Samuel Beachcroft,
George Drummond.

No. 10.

The Examination of Mr. Richard Richardson, *Collector of Excise for* Hertford *Collection; taken upon Oath, the 24th August,* 1780.

Richard Richardson. This examinant saith, That he is collector for Hertford collection of excise, and that he has been so near seven years.

That his collection consists of a number of towns in a certain circuit, extending into different counties; and that he goes this circuit eight times a year.

That he is appointed by the commissioners of excise, and gives five thousand pounds security.

That he collects the duty of excise from the persons charged by the supervisors and excise officers.

That the excise officer charges the persons whom he surveys, and who are liable to the duty; and that the supervisor superintends the business of the excise officer, and is a check upon him.

That

Appendix.

That previous to the collector's sittings for the purpose of receiving the duties, the supervisor sends him an abstract, containing the names of the persons charged, and the sum each is charged with.

That there are returners of money, who meet him at some of the places of the collection, and give him a bill or bills for so much of the money as he chuses to let them have, payable twenty-one days after date, which is the term bills have been usually drawn at in this collection since he came into it.

That the returner of money is some person approved of by him; who gives him a bond, with one or two sureties, to indemnify him against any loss and expence from the bills.

That no premium whatever is paid by the collector to the returner for the bills; and that if he wanted to return more money than he does by bills, he thinks he should meet with no difficulty in doing it.

That he believes the amount of his collection for the preceding year, ending the 5th July, 1779, was three hundred twenty one thousand nine hundred pounds ten shillings and eleven pence.

That he believes he remits about one sixth part of the money he receives in bills; the rest he pays in bank notes; and that he is obliged to remit the bills to the commissioners in a week after he receives them; but he generally remits some of them sooner; and that he indorses on each bill the duty it is applicable to.

That he believes he has as much or more trouble in his collection, than most other collectors.

That at every place of collection, he, the collector, the supervisor, and an excise officer, sign a paper, called the petty account, containing the sum received by the collector in each division and out-ride, for each duty at that place, the distillery duty excepted; which distillery petty account is signed by the collector only, as the supervisors and officers do not attend the receipt of that duty; and the collector sends up these petty accounts to the commissioners, as soon as he conveniently can, after having finished his collection in that district, in order to give the commissioners knowledge of the sums he has received, with intent, as he believes, to prevent collectors keeping the money in their hands.

That at the end of the collection he sends up a balance bill, which is a bill for the remnants of the several duties with which he is chargeable in that round, enumerated on the back of it; and that he is obliged to do this in six days after the close of the collection in each round.

That

Appendix. That he is allowed a salary of one hundred and twenty pounds a year, subject to a deduction of one shilling and nine pence in the pound; that is to say, the one shilling in the pound tax on salaries, six pence in the pound to the civil list, and three pence in the pound to the excise charity; and that he is allowed for riding charges, each round, five shillings, for each division and outride, which at present, in his collection, amounts to eleven pounds each round, there being now forty-four divisions and outrides; and as he makes eight rounds in the year, he now receives about eighty-eight pounds a year for riding charges; but this varies as the number of divisions and outrides vary; and he also receives about twenty-three pounds more annually for coach receipts, brandy licences, and soap drawbacks; and also five shillings for attending an hearing of an information, where the informer's part shall exceed twenty shillings after mitigation, and charges paid, which in the year ending 5th July, 1780, amounted to three pounds five shillings; but let the informer's share be ever so much, he receives no more than five shillings for attending the hearing.

That he pays to the collectors of the land tax, or their agents, within his collection, the land tax charged upon the salaries of the officers of excise within his collection.

That he pays no fee or expence whatever, either for passing his accounts or for his quietus.

Guy Carleton, RICHARD RICHARDSON.
T. Anguish,
A. Pigott.
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. II.

The examination of Mr. Thomas Ball, *Collector of Excise for* Bath *Collection; taken upon Oath, the 3d of* October, 1780.

Thomas Ball. This examinant saith, That he has been a collector of excise near seven years; that he is now, and has been for upwards of five years, collector of Bath collection.

That his collection extends into part of Somersetshire, Wiltshire, and Gloucestershire, principally the two former; and that the annual amount of his collection is upwards of sixty thousand pounds.

That he is appointed by the commissioners of excise, and has a salary of one hundred and twenty pounds a year, subject to the usual deduction of one shilling and nine pence in the pound:

pound: that he is also allowed a certain sum for riding charges, Appendix.
which, in his collection amounts to fourteen pounds a round; and there being eight rounds a year, the whole amount of riding charges is one hundred and twelve pounds a year. He has likewise about twenty pounds a year more, arising from soap debentures, brandy licences, and carriages.

That he pays the land tax assessed upon the supervisors and officers, to the parish collectors, and takes their receipt, which receipt is also attested by the respective supervisors and officers; that he has never yet been assessed for the land tax, if he had, he must have paid it out of his own pocket, the commissioners only directing the tax to be paid for those officers whose salaries do not exceed one hundred pounds a year.

That he receives the duties collected in money, bank notes, and the notes of the banks of Bristol, Warminster, and Bath; and that he remits the money to the commissioners of excise in London, by bills drawn at thirty days after date, which he obtains from the different clothiers, or other gentlemen in the country, and the banks at Bath; about two thirds of the amount from the former, and the remainder from the latter.

That he has security from all the returners whose bills he takes, in sums from two thousand to four thousand pounds, according to the amount of the bills he takes from them.

That he finds no difficulty in getting bills, and could, as he believes, obtain them for ten times the amount of his collection.

That he finishes his collection, each round, on the Tuesday of the third week, and that on the Saturday of the first week, he sends up the bills for that week; on the Saturday of the second week, he also remits the bills received that week; and that he used, before the late new duties were laid on, to remit the balance bill on or before the Saturday of the third week; and generally, since that time has done so; but does not recollect, saving one or two instances, of being later in remitting the balance bill than the Wednesday of the fourth week.

That he pays no premium whatever for the bills, nor has he paid any since he has been in his present collection.

That at the end of his last round, there were no arrears due in his collection, though he thinks he receives the duties from about fifteen hundred people.

That before he came to the Bath collection, he was, for about eighteen months, collector for Dorset collection, the annual amount of which was upwards of forty thousand pounds; he found no difficulty whatever in remitting the money collected there, but the bills were drawn at forty days after date, and he paid a premium of two shillings and six pence per cent. to

 the

Appendix. the persons who furnished him with the bills, which premium he has heard is now totally abolished.

That he never received a bad bill in either collection: nor does he recollect a shilling having been lost by an insolvent arrear in either collection, since he has been a collector.

Guy Carleton, THO. BALL.
A. Pigott,
Samuel Beachcroft,
George Drummond.

No. 12.

The Examination of George Lewis Scott, *Esq; one of the Commissioners of Excise; taken upon Oath, the 29th of* September, 1780.

George Lewis Scott. The said examinant saith, That he is now, and has been for upwards of twenty two years, a commissioner of excise.

That the collectors of excise have a salary of one hundred and twenty pounds a year, and an allowance for riding charges of five shillings for each round, for every division and out-ride in their collections; that they make eight rounds in the year, and remit the money collected by them immediately, chiefly by bills of exchange, which he does not know or believe they have any difficulty in procuring, never having heard any complaint thereof; that the only difference in the distant collections is, that the bills are at longer dates than those contiguous to London; and that the commissioners have had frequent applications to recommend to the collectors persons to furnish them with bills, without any premium whatever; but that the choice of remitters is always left to the collectors, they being answerable for the money, that formerly a premium was allowed to be given to persons called returners of money, which, as well as he recollects, has been in his time from ten shillings to two shillings and sixpence per cent. but that it has been gradually diminishing, and, since, Christmas 1778, totally abolished.

That the collectors of excise are taken from among the supervisors, after an examination of their characters and behaviour; and that the board never had any difficulty whatever in finding persons willing to undertake the office of collector, and to give proper security; so far from it, that such places are much solicited for.

That the collectors are required to send an account of their receipts from each place of collection, to the end the commissioners may know the amount, and remit the bills in six days after they receive them; they are also obliged, within a week after they have finished their round, to transmit a list of all

the bills they have remitted during such rounds, and a balance bill for the remnants of the several duties with which they are chargeable during that round. Appendix.

That the commissioners will not permit the collectors to keep any money in their hands, but require them to clear the balance of each round, if there be any, before the commencement of the succeeding, otherwise they will be charged with interest for such money, and incur the displeasure of the board.

That the collectors are very punctual in remitting; that he never heard of a collector being proceeded against for default of payment of the money collected by him, and that he does not believe there is any such instance since he has been a commissioner; that the collectors, by orders from the board, in consequence of a treasury warrant, repay the land tax charged upon the inferior officers salaries, which do not exceed one hundred pounds a year.

That the receiver general makes up his accounts weekly, and the sum to be paid into the exchequer is by an order signed by five commissioners, and consists of all the money in the receiver general's hands, except the sum allowed by the commissioners as proper to be reserved in the hands of the receiver general, to answer such payments as the office has just reasons to suppose may be demanded the following week.

That every year a general cash account of the weekly receipts and payments of each respective duty is made out, examined, and signed by the commissioners, and afterwards sworn to by all the commissioners, before the cursitor baron of the exchequer. It is then carried by the auditor to the chancellor of the exchequer, before whom it is declared, and after being inrolled in the different offices, a *quietus* is granted to the commissioners.

Guy Carleton,
A. Piggott,
Richard Neave,
George Drummond,
Samuel Beachcroft.

GEO. L. SCOTT.

No. 13.

Appendix. *An account of the total sums in the hands of the several receivers general of the land tax, from the weekly certificates next following each quarter day, from the time the mode was adopted of the receivers general transmitting their accounts on oath, to the present.*

1778.	10th July,	£. 332,844	—	—
	16th October,	268,480	—	—
1779.	8th January,	282,520	—	—
	9th April,	254,180	—	—
	9th July,	315,690	—	—
	15th October,	386,620	—	—
1780.	7th January,	440,000	—	—
	7th April,	358,550	—	—
	7th July,	367,668	9	5½

Office for Taxes, 12th August, 1780 } GEORGE ROSE, Secretary.

No. 14.

An account of the arrears and defaulters of the land tax and window duties, for twenty years preceding the year 1777, and from that period to the present time; comprizing therein the sums which have been compounded for by act of Parliament, or otherwise, and what has been received upon such compositions, in lieu of the sum or sums in arrear from any defaulter or defaulters.

					£.	s.	d.
WALES, So.	*William Williams.*						
21st 2s. Aid, 1755.	£. 180	—	—				
28 4s. Aid, 1756.	360	—	—				
29 4s. Aid, 1757.	4,826	4	4				
30 4s. Aid, 1758.	2,509	—	—				
Houses and Windows, 1756.	380	—	—				
Ditto 1757.	640	4	3				
Ditto 1758.	614	—	—				
					9,509	8	7
WALES, So.	*Leon. Bel. Gwyn.*						
40th 4s. Aid, 1776.	14,160	—	—				
Houses and Windows, Do.	3,800	—	—				
					17,960	—	—
STAFFORDSHIRE,	*James Bailey.*						
35th 4s. Aid, 1763.	383	15	—				
Houses and Windows, Do.	1,840	—	—				
36th 4s. Aid, 1764.	2,354	19	7				
Houses and Windows, Do.	1,600	—	—				
					6,178	14	7

HERE-

Appendix.

					£.	s.	d.
HEREFORDSHIRE, *Theo. Lane.*							
Houses Windows, and Land,	1765.	1,920	—	8			
38th 4s. Aid,	1766.	11,886	13	9½			
Houses and Windows,	Do.	3,890	—	—			
15th 3s. Aid,	1767.	7,538	8	5			
Houses and Windows,	Do.	2,200	—	—			
					27,345	2	10½
WILTSHIRE, *William Earle.*							
Houses and Windows,	1770.	—	—	—	4,000	—	—
SUFFOLK. Pt. *Wallis and Spink.*							
22d 3s. Aid,	1775.	—	—	—	20,138	—	—
LANCASTER, *James Gildart.*							
Houses and Windows	1776.	2,660	—	—			
41st 4s. Aid,	1777.	14,242	11	11			
Houses and Windows,	Do.	11,127	9	3			
					28,030	1	2

The lords commissioners of his Majesty's treasury agreed, by a warrant under their hands, to accept of 3000l. as a composition for the debt due to Mr. Williams for South Wales; for the recovery of which sum, suits are now carrying on against the sureties, who are able to pay the money.

Mr. Leonard Bilson Gwynn has given sufficient security for the payment of the whole arrear due by him for South Wales, within four years and a quarter from the present time.

Several sums have been paid on the account of Mr. Bailey for Staffordshire, and a decree of the court of chancery is obtained for the sale of his estates, from the proceeds of which the whole debt to the public will be paid.

The estates of Mr. Lane, late receiver general for Herefordshire, have been in possession of the crown under an extent ever since his failure, and the amount of the nett receipts is annually paid into the exchequer, in diminution of his debt to the public.

Sufficient security is given, and means are now used for enforcing it, for the payment of the whole arrear due by Mr. Earle, as receiver general for part of the county of Wilts, on window duties.

The executor and sureties of the late Mr. Wallis have paid very large sums on his account, as receiver general for part of Suffolk, in diminution of his balance, since his death, and

have

have only obtained time for the payment of the remainder, from the lords commiſſioners of the treaſury, in order to enable them to get in money due to the deceaſed.

Mr. Gildart, late receiver general for Lancaſhire, has lately compounded his debt with the lords commiſſioners of the treaſury, under the authority of an act of Parliament, on condition that he ſhall pay into the exchequer the ſum of ten thouſand two hundred and eighty-two pounds two ſhillings and ſix pence farthing; four thouſand two hundred and eighty-two pounds two ſhillings and ſix pence farthing of which he has already paid, and has given very ſufficient ſecurity for the payment of the remainder on or before Lady-day 1781; it is, however, to be obſerved, that the firſt mentioned ſum is a compoſition for the whole debt due to the crown, which includes the whole debt on the window duties.

Office for Taxes, 12th October, 1780. GEORGE ROSE, Secretary.

No. 15.

Return by the Commiſſioners of Exciſe to the Order of the Commiſſioners of Accounts, dated 29th of September, 1780: *requiring an Account of Arrears, and Defaulters, of Officers of Exciſe*, &c. &c.

There are no arrears, nor defaulters, of the officers of exciſe, for twenty years preceding the year 1777 incluſive, nor to this date; except that in the year 1774, Thomas Collis, collector of Oxford, having advanced 3600l. of the exciſe money upon bills of exchange, drawn by Anthony Collins and Thomas Sylveſter, on Meſſrs. Sylveſters, of Great Ruſſel-ſtreet, London, and the ſeveral parties, both drawers and payers, becoming bankrupt before the ſaid bills became payable, the ſaid collector Collis was, by order of the lords commiſſioners of his Majeſty's treaſury, acquitted and diſcharged in his accounts of and from the ſaid ſum of 3600l.; but their lordſhips were pleaſed, at the ſame time, to order, that the ſaid Collins and Sylveſter, who drew the ſaid bills, and Meſſrs. Sylveſter, of Ruſſel-ſtreet, who accepted the ſame, ſhould be ſet *inſuper*, for the ſaid 3600l. and in no wiſe diſcharged from the ſame; which ſum is ſtill remaining due from the parties above mentioned.

GOULSTON BRUERE, Accom. Gen.

Exciſe Office, 4th October, 1780.

Mr.

November 24.

Mr. *Minchin* said, before the House went into a committee of supply, for the purpose of imposing on the public the enormous expence of the army estimates, it was their duty, in justice to their constituents, whose money they were about to take out of their pockets, to know for what it was voted, and to be able to assign a reason to the people, why they called upon them for so large a sum. The estimates upon the table, among other heads, stated that a very numerous army was necessary for carrying on of the war, and that the troops to be employed in plantation service amounted to a considerable number, and cost the nation a considerable sum. In order to obtain some satisfaction on that point, it was, that he meant to trouble the House, and without further preface, to move for an account of the state and distribution of the army under the command of Sir Henry Clinton, according to the last returns. He therefore moved, Mr. Minchin.

"That an humble address be presented to his Majesty, that he will be graciously pleased to give directions that there be laid before this House an account of the number of forces now under the command of Lieutenant General Sir Henry Clinton, in North America, and also the distribution of the same, according to the last returns made up and transmitted by him to the office of the right honourable Lord George Germain."

Mr. *Jenkinson*, Secretary at War, said, he believed it would not be expected that he should use many words in expressing his entire disapprobation of the motion which had been just made by the honourable gentleman. The motion spoke sufficiently for itself; the object of it was to procure the exact account of the present position of the British army in America. Motions had before been made, at different periods, which went not near so far in their object (they only requiring the state of the army in America) all which motions the House had thought it wise and prudent to reject, because if they had been agreed to, the House would itself have published to their enemies what the interest of the nation rendered it highly necessary should be concealed from their knowledge. The present motion was of all others most objectionable. Would gentlemen seriously think it politic to publish to all the world, not only the state of the army, but its actual position? He flattered himself the House would Mr. Jenkinson.

feel

feel the impolicy of ſuch a meaſure, and therefore he ſhould endeavour to avert the miſchief, by moving that the order of the day be now read.

Mr. Turner. Mr. *Turner* roſe to ſecond the right honourable gentleman's motion, "that the order of the day be now read." Mr. Turner ſaid the county in which he lived, and the conſtituents whom he repreſented, (and perhaps they were as reſpectable conſtituents as ſent any one gentleman to that Houſe) had told him, previous to his election, that they would never place any confidence in him, if he gave the leaſt countenance to the further proſecution of the American war. He therefore ſeconded the right honourable gentleman's motion for reading the order of the day, and going into a committee of ſupply, in order to ſee whether the war was to be continued in America or not, to meet miniſters in the teeth on that point, and know whether they dared ſpend more of the public money on ſo frivolous and fruitleſs a project? He wiſhed to know if they meant to bamboozle the nation any farther, and the ſooner it was known the better? He declared he had been confined to his bed ſix weeks before he left his own houſe; he had got up from that bed, and travelled to London, 250 miles, at the rate of forty miles a day, to do his duty as a member of that Houſe. In his journey he caught cold, and had a perſon to ſit up with him for ſeveral nights together; but expecting that the committee of ſupply would come on, he had at all hazards come down to the Houſe, and was determined to bring it to the proof, whether that Houſe would ſuffer miniſters to go on in the ſame mad and extravagant manner that they had hitherto purſued? He reminded the Speaker, that ten or a dozen years ago he had told the Houſe that the war with America was an unconſtitutional war, and he ſaid, he had told the Houſe truth; but the laſt was a hired Houſe of Commons, and did juſt what the hirers pleaſed. The people who paid the taxes, he was ſure, would not agree to go on with the war, and thoſe were not the electors of the gentlemen who formed the majority of that Houſe. He declared he had uniformly voted one way, and often in a ſmall minority. He liked a ſmall minority beſt, a ſmall minority had virtue, and wiſhed well to the country; a large minority was a bad thing, a ſmall one a good thing. After a few more words, ſpoken with a blunt integrity, Mr. Turner repeated it, that he ſeconded the motion that the order of the day be now read.

Mr.

Mr. *Minchin*, in reply to the secretary at war, said, the answer he had just received was so hackneyed, that he never heard it given to a motion like that he had taken the liberty of making, without being ashamed of the person from whose mouth it came. The idea of danger to the country and service to its foes, from acceding to his proposition, was ridiculous and absurd to an extreme. Was Sir Henry Clinton's army, in its constitution, different from that of every other army? Were there no friends to the enemy, no spies in it? Would the right honourable gentleman take upon him to assert, that General Washington, Monsieur Rochambeau, and Monsieur Ternay, were not perfectly masters of the information he wished the House to receive? On the contrary, would not the right honourable gentleman, if he chose to confess the real motive of his objection, say, that he was not afraid of giving information to France and America, but that he was afraid of giving information to that House? Mr. Minchin said further, that he had no objection to leave out that part of the motion which called for the account of the situation of General Clinton's army, and content himself barely with moving, that an account of the state of General Clinton's army be laid before the House. Mr. Minchin.

The *Secretary at War* said, if it depended upon him, he should say his objections were so strong, that he was not willing to take even half the motion only. It so happened, however, that his motion for the order of the day to be read had been seconded and put; it rested therefore with the House to dispose of it. Mr. Jenkinson.

The Right Hon. *T. Townshend* rose upon this, and appealed in fairness to the right honourable gentleman, whether, when his honourable friend wished to make an amendment to his motion, by leaving out the most offensive part, he ought to insist upon reading the order of the day upon it. As the motion stood at first, Mr. Townshend said he thought it was too extensive, and that there was ground for reasonable objection to it. He had told his honourable friend so when he shewed it to him; at the same time that he mentioned this he begged to have it understood that he did not see the least objection to it on the score that had been suggested, viz. the fear of its giving information to our enemies. As his honourable friend had said, there could be no danger of that kind in the case, since a full compliance with the motion Rt. Hon. T. Townshend.

would only give that Houſe ſome information reſpecting matters, of which undoubtedly General Waſhington, Monſieur Rochambeau, and Monſieur Ternay, had complete knowledge ſix months ago. The aſſertion of his honourable friend was true, that miniſters were only afraid of giving information to that Houſe. Scarce a day paſſed without affording a proof of this; their preſent ſilence was a more than ordinary inſtance of their haughty treatment of Parliament. What did it amount to, but a direct demand for a large ſum out of the public pocket, without giving that public the ſmalleſt ſatisfaction how their money was to be employed. Mr. Townſhend ſaid, he was aware he might be anſwered, "Look at the eſtimates upon the table!" but thoſe eſtimates did not cure his objection; in thoſe eſtimates no account was given of the provincial corps, ſome of which he was informed were mere corps of officers, a ſyſtem of putting the nation to expence by means which did not conduce to its intereſt, that had been pretty much adopted of late! Why did not miniſters account for the provincial troops? Why did they not ſhew, that when they obtained the public money, they applied it to the public ſervice ſtrictly, and not bring eſtimates to Parliament which held out no real lights, no information that could be depended on? Mr. Townſhend concluded with recommending it to his honourable friend to amend the motion, and hoping that the Houſe would then receive it.

Mr. Minchin. Mr. *Minchin* ſaid, he had no objection to leave out the part which had been juſt ſpoken to, but that he ſhould certainly inſiſt on his motion; and that he thought it highly indecent in the right honourable gentleman, and thoſe who ſat near him, to hurry on a buſineſs of ſuch conſiderable importance as the conſideration of the army eſtimates, on a day when ſo many of them had riſen, and expreſſed their great doubt of being able to get a Houſe of 100 members together, to ballot for a committee.

The Houſe ſhewing an inclination, that the motion for reading the order of the day be withdrawn, in order to put the amendment, the Speaker ſtated the queſtion, and the Houſe having agreed to the amendment, the amended motion was next put, when

Lord George Germain. Lord *George Germain* roſe and moved the order of the day; his Lordſhip, at the ſame time, in anſwer to Mr. Townſhend's

shend's questions, read what he called, a short return of the provincial corps, from which it appeared, that the whole number of provincial effectives in the British service were eight thousand and ninety one, and that to two thousand eight hundred and forty one rank and file, there were but one hundred and three officers. His Lordship said, that the forming them into battalions was a business transacted wholly by the commander in chief in America: that in that point Sir Henry Clinton acted at his discretion; but that he had ever made it a rule to incorporate one corps with another in proportion as each grew thin, and to manage the matter so as was likely to put the public to the least expence.

General Burgoyne.

General *Burgoyne* begged to know if 8000, or thereabouts, was the number of the effective provincials, what was their whole establishment?

Lord George Germain.

Lord *George Germain* said, he did not know that there was any regular establishment, at least he had no regular account of it, and the reason he supposed was, because the number in service depended upon events. Perhaps there might be in his office some papers, stating what number of provincials the commander in chief might wish to have on an establishment; but he had risen before, merely to answer what the honourable gentleman had said, relative to there being an unusual proportion of officers to rank and file in the provincial corps; this he could however inform the House, that the public paid only for effective men, and that as soon as they enlisted, they were put into the provincial regiments, not into our regular army, and returns were from time to time sent over by Sir Henry Clinton.

General *Burgoyne* not appearing satisfied with this answer,

Sir George Howard.

Sir *George Howard* rose, and said, he had that day seen an officer just returned from America, with whom he had a good deal of conversation relative to the provincial troops, and the officer had told him, that it was Sir Henry Clinton's wish to form them into battalions of 530 each.

The order of the day was read; and the House then resolved itself into a committee of supply, Mr. Ord in the chair.

Mr. Jenkinson.

The *Secretary at War* began with stating the amount of the number of men, and expence of the army, which had been agreed to last year, for the service of the year 1780, under the several distinct heads of troops for guards and garrisons, (including the home staff) pay of the same, army employed in

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plantation service, militia, their cloathing, foreign troops, and their pay; after going through these, the Secretary at War said, that he should propose to the committee a considerable reduction, and a small augmentation, so that upon the whole, the expence would be less to the public than it had been last year. The reduction he meant was this, to reduce such regiments to fifty-six as were nominally seventy-six, but in which there were not more than fifty-six men; to reduce other regiments to seventy-six which had now no more effective men in them, and to let those only stand at one hundred, in which there now were more than seventy-six; by this means he proved, that upon the whole, there would be a reduction of 10,000 men, and a saving of 103,521 l. but with the augmentation that he should propose, which would consist only of two battalions, the reduction would amount to about 8900 men. He proposed that 39,000 and odd men, be voted for guards and garrisons; 63,000 and odd, for plantation service; militia 43,000 and odd; and foreign troops, employed by virtue of treaties between his Majesty and the German princes, the same as last year; only, at somewhat an encreased expence, in consequence of a claim having been made this year for the charge of a corps of Hessian chasseurs, formerly employed, but not before paid for. He took notice of the Saratoga business, and produced the last return of the army captured there; by which it appeared, that there now remained about 760 effectives who were prisoners, and that with the sick, those absent on furlough, &c. &c. there might be in all about 1700. He said, he had taken no notice of this army in the estimates, because, at present, he thought it better not. Every possible endeavour had been used by treaty to procure their enlargement, but in vain; he was convinced, therefore, that Congress never would give them up under the convention of Saratoga. He also stated, that another saving of expence would arise from the employment of two major generals, in the lieu of two lieutenant generals, and from the saving of a year's pay, and went very much at large into a detail of the various causes which governed each alteration, stating that the chief reason for his wishing to have the regular troops reduced, was the great difficulty of recruiting the old regiments, in proportion to the great ease with which the new levies were raised; and this he accounted for by an act now in force, which obliged him to keep up the militia to the great number of 43,000, and by alluding to other mat-

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ters which ſtood in the way of the recruiting ſervice for the army. The only augmentation he had to propoſe, came to him through Lord Amherſt; and that was, an augmentation of 500 men to each of the regiments commanded by Colonel Humberſton and Colonel Fullarton, neither of whom were to get any additional rank for raiſing the men. The intended augmentation of the regiment commanded by the latter, was, he knew, already more than complete. Of the augmentation of the regiment commanded by Colonel Humberſton, he had not yet heard. In the courſe of his ſpeech, he mentioned the act he had propoſed two years ago, and ſaid, it had ſtruck him at the time, that ſuch an act would eſſentially contribute to the recruiting ſervice of the army; experience had proved, however, that though it operated materially to the benefit of other ſervices, it had not much aſſiſted the army. In conſequence of that act, the navy got men more eaſily, and militia ſubſtitutes were to be procured at half their former price, but the army got only a few, and thoſe the worſt men; he therefore ſhould drop all thoughts of reviving that part of the act which carried in it a compulſion with reſpect to the army, being now convinced, that no force would aid the recruiting of the old regiments. He lamented that our army in general had decreaſed ſo rapidly in the courſe of the laſt two years; but he accounted for it by reminding the Houſe, that the nature of the war had been changed; and it having been thought adviſeable to employ a great number of forces in the ſouthern provinces of America (the climate of which was not near ſo healthy as that of the more northern provinces), and in the Weſt Indies, great numbers had fallen martyrs; but then it was to be conſidered, that both theſe meaſures were unavoidably neceſſary and had proved greatly ſucceſsful; the laſt accounts from Georgia and Carolina had been extremely to the credit of his Majeſty's officers and army, and in the Weſt Indies, though France and Spain had ſent thither ſuch vaſt armaments, we had ſo effectually defended our iſlands, that our combined enemies had not only not atchieved any enterprize, but had not even attempted any. Nor was the ſickneſs in our armies a misfortune peculiar to Great Britain; the armies of France and Spain experienced the ſame fatality; the Spaniſh ſickneſs, indeed, according to all report, raged with a violence ſcarcely poſſible to be conceived. After ſpeaking to other matters, he ſaid he would, for form ſake, move the firſt eſtimate; but that he ſhould be ready to anſwer any queſtions

questions relative to the estimates on the table, or to give any explanation gentlemen might desire. He then moved "that 39,000 men be employed in the service of Great Britain for the year 1781."

The question having been read by the chairman,

Col. *Barre.* Colonel *Barre* rose and observed, that on his reference to the estimates of the last year, and the estimates now proposed, he found that they differed extremely; that it appeared, if he had taken down the amounts exactly, that instead of a saving by the present estimates, the public were called upon for more men and more money than had been asked last year. For instance, the estimates for guards and garrisons presented last year was but 35,000 men, whereas now almost 5000 more were asked. He was aware that the right honourable gentleman had made his references to the full number voted last year, comprehending as well the amount of the estimates first proposed in the committee of supply, as the augmentations proposed by the right honourable gentleman after Christmas; whereas his account of the number voted last year was taken solely from the estimates, and that he thought the fairest way; because now he supposed the right honourable gentleman would come to the House on a future day, and ask for an augmentation of some kind or other, and therefore till the extent of that augmentation was known, it was impossible to say whether the number to be voted this year would be more or less than had been voted last year, and the only fair comparison that could be made was, between the estimates of one year and the estimates of another. He wished therefore to know, what the augmentation was likely to be which was to be applied for hereafter.

Mr. *Jenkinson.* Mr. *Jenkinson*, secretary at war, said, the hon. gentleman was strictly founded in supposing that he had formed the account, which he had recited, of the number of men for the army expence, &c. of last year, by uniting the augmentation with the numbers, &c. first voted by estimate. That in a war of the nature of the present, carried on at a vast distance from the capital, it was impossible to make an exact estimate of what could only be known to be necessary, from a knowledge of events which had not yet reached home. Last year the augmentation was asked for, in consequence of the requisitions of the commanders abroad, and the plans of his Majesty's ministers; this year the same matters must govern any similar requisitions which he might have to make.

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The right honourable *T. Townſhend* ſaid, he ſaw it was the deſign to injure the regular army, merely to benefit two favourite regiments. He meant not to give any perſonal offence, and was aware of the danger of talking about theſe two regiments; but in ſpite of that danger, in ſpite of all that had been done, and all that could be threatened, he ſhould perſevere in his duty, and ſpeak his mind freely in that Houſe. He now roſe, not to dwell much upon the two regiments to which he had alluded, but he muſt take that opportunity to declare, that the manner of recruiting them was ſcandalous to the laſt degree,—any perſon almoſt in any condition was taken—boys too young, and men too old, for the ſervice. Some *things* he had ſeen dreſſed up in regimentals, and called ſoldiers, who did not weigh as much as their arms and accoutrements. A new mode of levying the recruits was adopted; men were committed to the regiments. The practice was common. In the newſpapers of that day there was a ſtory of an uſher to a ſchool, who had robbed the boys of 30l. he was taken before a magiſtrate, examined, and his puniſhment was, a commitment to one of the new regiments, into which he was compelled to enter. He declared, he had lately had an opportunity of ſeeing the recruits of one of theſe regiments, and had gone through their quarters, and the greateſt part of the recruits he ſaw, were London recruits, men to be met with at Charing-Croſs, men purchaſed of the common London crimps! The argument therefore, that recruits could not be got for the old regiments, fell to the ground. Theſe recruits that he had ſeen, would have entered chearfully into an old regiment, if the levy money for a new one had not been greater; it was therefore the continued new levies, and nothing elſe, that hurt the recruiting ſervice. Beſides, how ſcandalouſly injurious was it to the feelings of old officers, to be ſending out men as colonels, who had never been in the army before, or who had been in very inferior ſituations. The laſt year, a colonel had gone out to take the ſuperior command of a brave and gallant veteran, under whom the new colonel had formerly ſerved as a matroſs. How hard too had been the fate of Colonel Campbell? Now indeed it might be thought that he ſhould not complain, becauſe that officer had got promotion, but then he had been put over the heads of thirty-nine lieutenant colonels. The right honourable gentleman in juſtification of the augmentation of the two regiments commanded by Colonel Fullarton and Colonel Humberſton had ſaid, thoſe gentlemen were

Rt. Hon. *Townſhend.*

to get no new rank. Last year these regiments were raised for a special service, and on the extraordinary pretence that old regiments would not suit that service so well. What was become of that service now? The regiments were still in England, and to be sure it was a hard fate for Colonel Fullarton to have been in the army a whole year, and to have got no new rank! Colonel Humberston indeed, for whose private character he had the highest respect, had been regularly bred in the army, but he had seen no service. With regard to what the right honourable gentleman had declared, that the rapid decrease of our army was owing to the unhealthy climates, but "that the Spanish sickness was so great that it was not to be conceived," he was a little surprised. He could not say what degree of sickness that might be, which was not to be conceived; but had heard that our own corps, which were carried out raw, and the men in which, when put on board the transports for embarkation, were not capable of handling their arms, had been so sickly, that they had not landed at St. Lucie a fortnight, before the whole corps were so bad, they were totally unserviceable, died daily, and could not muster four men and a corporal who were well enough to put each of their fellow soldiers in the ground after death. Mr. Townshend imputed great blame to ministers for sending new levies abroad, and renewed his complaint made the preceding day, that though the regiments were estimated at 900 men each, there were not in several, which he had seen in the course of the summer, many more than 300.

The *Secretary at War.* The *Secretary at War* answered Mr. Townshend, and said that office were not to blame, if the recruits were unfit for service. That not any regiment had pay, nor any officer his commission before the regiment had been reviewed by a general officer, and a return made by that general officer, that the regiment was complete. That it had frequently happened that on these reviews many of the recruits were refused by the general officer, and the person who raised the regiment obliged to get more men. With regard to the old regiments being preferable to the new levies, he was ready to admit it: nay, he would go still farther; he would own that he had much rather have one recruit for a regular regiment, than two for a new-raised one; he was aware how preferable, and how much fitter for the service the one was, when compared to the other; the only ground on which the levies struck him

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as warrantable, was, they were much easier to be got, and the necessity of the war was pressing. As to the recruits, surely gentlemen did not expect that as good recruits were to be got now, as in the beginning of the war; or that as fine men were to be seen in a new raised regiment, as in a regiment of militia; the thing was impracticable. In proportion to the continuance of a war, the recruiting service became more and more difficult; our resources of men were so much the nearer exhausted, and therefore that recruits to be had now, should not be equal to those had formerly, was a natural consequence, impossible to be avoided.

General *Burgoyne* took up the secretary at war, on his justifying the preference given to new levies over the old regiments, on the plea of the necessity of the war, and argued against the admission of it. He said, among various other matters, that it was frequent when a general officer reviewed a new-raised regiment, for him to find a deficiency of fifty or a hundred men; that when the general officer asked where those men were, the commander of the regiment replied, they were sick, or absent on furlough, and undertook to certify for them. In consequence of this practice, regiments were frequently embarked for foreign service, one hundred men short of their compliment. The general further said, that it was well known to every man in the army, that the new levies were mere wax, when sent to unhealthy climates; that they were of no service whatever, but melted away immediately. With regard to what his honourable friend near him had said of the recruits in those new regiments, it was strictly true, that they were bought up of the crimp merchants at Charing Cross, who tricked all they dealt with, and kept a parcel of good-looking men for occasional recruits, which they ran from one regiment to another, as suited them, but let them continue in none. He observed, that this would always be the case, whilst the old regiments were restricted to five pounds levy-money, and the new one left *ad libitum*, to give six, eight, ten guineas, or what they pleased. General *Burgoyne*.

Sir *William Cunyinghame* replied to General Burgoyne, and said, to his knowledge, the 92d regiment was complete when it embarked, at Plymouth. That it had been reviewed by General Stiles, who took no certificate, but visited and examined the sick himself. That there were none of those Sir *William Cunyinghame*.

crimps men in it, which the General had described as being run from regiment to regiment. Sir William said, he thought it due to his friend, who commanded the 92d regiment, to say thus much for it in his absence.

Colonel *Barre.* Colonel *Barre* produced a written account of the state of General Clinton's army in November, 1779, which he declared he believed to be accurate, and called upon ministers to contradict it, if they could. By this return, it appeared, that the General's army consisted of 32,000 regulars, and 6,000 Provincials, in November 1779—and as there were 79,000 men voted last year for the plantation service, the Colonel contended, that there were 41,000 men to be accounted for, and that the only place any other part of our army could be looked for, was about 10,000 in Gibraltar and Minorca, and the remainder in Canada and the West Indies, where he defied ministers to prove, that any thing like the deficiency were employed. He called upon them therefore to account either for the men or the money.

The *Secretary at War.* The *Secretary at War* said it was impossible for him to account for the distribution of the army two years back, which was before he held his present office, but if he remembered right, there were 17,000 men on the establishment in the West Indies, besides the troops in the East-Indies and in Africa, neither of which places the honourable gentleman had taken the least notice of.

Colonel *Barre.* The *Colonel* allowed that those two quarters of the globe had escaped him, and said there was one battalion in Asia, (about 1,000) and 213 men in Africa. He laughed at the idea of 17,000 being employed in the West-Indies, and said, if he attempted to impose such a legend on people without doors, he should be ridiculed, allowing however for the sake of argument, that the case were so, where were the remainder?

The *Secretary at War.* The *Secretary at War* desired that his not being able to account, when suddenly called upon, for the distribution of the army two years ago might not be misinterpreted.

Gen. *Smith.* The Colonel replied again, and General *Smith* just rose to support General Burgoyne's argument relative to the preference of old regiments when sent on foreign service to new levies. The General supported what he said, by mentioning the manner in which the 74th, 81st, and another regiment, (with which he had the honour to serve abroad last war,)

were recruited by drafts from the regulars at home, in confequence of which the men were fit for fervice the inftant they landed.

The motion was at length agreed to, as were the other eftimates.

Adjourned to the 27th.

November 27.

Mr. *Coke* rofe, and acquainted the Houfe that he was now about to make the motion of which he had given previous notice; a motion for the thanks of the Houfe to Earl Cornwallis, for the important fervices he had done to his country. At the time he had made that motion he did not recollect the propriety of giving thanks at the fame time to General Sir Henry Clinton, for the fignal fervices performed by him to this nation. He now wifhed to comprehend him in the vote of thanks which he moved, and which he hoped would pafs unanimoufly. Mr. *Coke*.

The firft thing he had done, after he received the command of the army was, to march the troops from Philadelphia to New-York; a retreat which was univerfally allowed to be the fineft thing performed, during the prefent war, before that period; and if there had been any precedent for thanking a General for even an able retreat, Sir Henry Clinton was, doubtlefs, entitled, and certainly would have received, the thanks of the Houfe upon that occafion. There were particular circumftances, which made it ineligible to offer the thanks of the Houfe to Sir Henry Clinton, on the reduction of Charles-Town. Thofe circumftances Mr. Coke did not fpecify, but whatever they were, it was apparent, that, in his opinion, they no longer exifted. Gentlemen on every fide of the Houfe bore teftimony to the excellent conduct and gallant bravery of Lord Cornwallis; nor would it be denied, he prefumed, that the fame qualities were poffeffed in an eminent degree by Sir Henry Clinton. It would have a bad effect to vote the thanks of the Houfe to one of thofe gentlemen, and not the other. The thanks of the Houfe were deferved by both; but while gentlemen allowed the great qualities and virtues of thofe officers, fome difapproved the caufe in which they were exerted. An honourable gentleman, whom he did not fee in his place, had avowed mixed fentiments of this kind; but that honourable gentleman, of approved courage himfelf, knew how to value

that noble virtue in others, and he ſtill hoped that he would not, if preſent, oppoſe his motion. For his own part, he had been one of thoſe who lamented the commencement of the American war, and diſapproved many of the meaſures adopted in its proſecution. But the origin of the preſent war he kept entirely out of view in the preſent queſtion. America was now the ally of France; the confederate of the Houſe of Bourbon. He did not ſay that the war againſt America was not big with many calamities to Great Britain, he apprehended that it would even be the ruin of this country; that is, that it would impoveriſh this country extremely: but ſtill he ſaw no medium between unconditional ſubmiſſion to the enemy, and the moſt ſpirited exertions.

He had not, in the motion he was now to lay before the Houſe, ſaid any thing concerning the juſtice or policy of the American war, hoping thereby to gain that unanimity, without which a motion of thanks, though carried, loſt much of its value. If the motion he was now to make ſhould be the object of debate and altercation, he did not much care whether it ſhould be carried or not. He then made a motion, "That the thanks of this Houſe be given to General Sir Henry Clinton, Knight of the Bath, for the important ſervices rendered by him and the troops under his command, in the reduction of Charles-Town, and that the thanks of the Houſe be given to Earl Cornwallis, for the ſignal and meritorious ſervices he had done to his country, by the moſt glorious victory obtained by him over the American rebels at Camden; and that the Speaker do report the ſame to the general officers who are the objects of them."

Lord Lewiſham. Lord *Lewiſham* roſe to ſecond the motion. He embraced with joy an opportunity of expreſſing his high regard to the characters of the two gneral officers, whoſe names had been mentioned with due reſpect by the honourable gentleman who ſpoke laſt. Although we were not yet bleſſed with that unanimity which was neceſſary ſo to ſwell the ſails of the veſſel of ſtate, as to waft us ſafely over that tempeſtuous ocean of troubles in which we were at preſent involved, yet he ſaw with joy the dawnings of an unanimity; he ſaw a ſpecies of unanimity, which was no ſmall ſource of conſolation. Every body ſeemed ſatisfied that there was a neceſſity of humbling the power of France and Spain.

Although

Although he was unwilling to place any reliance on the contingencies of fortune, and would not be ſo confident as to ſay, that there were in the womb of time events favourable to Great Britain, yet he contended, that it was not being too ſanguine to hope, that the jealouſies which had already begun to take place between the Americans and their allies on Rhode Iſland, would every day encreaſe. Though there was not an immediate proſpect of detaching any of the powers from the confederacy againſt us, he did not deſpair of its being effected in time.——In the mean time it behoved us to act with alacrity and vigour. The marine of France muſt be deſtroyed if we would hope for a ſafe, a laſting, and an honourable peace. No promiſes, no conventions with that nation could be relied on, while their navy was entire. France had become formidable to her neighbours, through treacherouſly ſeizing advantages over the unſuſpicious, and therefore unprepared, nations around her. Great Britain had ever proceeded on the broad baſis of public faith and national credit, and on that foundation he truſted ſhe would ſtill ſtand. He ſaid there would be great cruelty and impolicy in abandoning our friends in America to the mercy of their enemies; our friends in that caſe would become our bittereſt enemies, and the Americans united as the ſubjects of one mighty empire, and pouring forth their ſhips of war from a thouſand ports, would cut up our trade by the roots, and ſtripping us of all our foreign dependencies, finally reduce us to this ſpot of the globe, the iſland within which we are confined by nature, if we dare not with freedom to traverſe the ocean. The conſtitutional dependence of America on Great Britain he thought neceſſary to the happineſs, ſafety, and proſperity of both countries. He returned to the neceſſity of ruining the marine of France. If you wiſh to maintain the glory and independency of England, deſtroy the marine of France. If you wiſh to preſerve the balance of political power in Europe, deſtroy the marine of France. If you wiſh to preſerve the liberties and rights of mankind, deſtroy the marine of France.

Let this language be repeated, and re-echoed from one corner of Great Britain unto another, until all hearts and hands ſhall be united againſt the common enemy. As the Americans are now to be conſidered as the allies of France, and

and the one cannot be separated from the other, every victory gained over either of these powers is matter of joy, and an advantage to this country; therefore he seconded the motion now before the House.

Rt. Hon. T. Townshend.

Rt. Hon. *T. Townshend* expatiated on the merit of Earl Cornwallis, of whose merit, he was proud to say, he was not indeed an impartial judge. But officers, both French and English, had spoke to him and wrote to him, with rapture, concerning the singular merit of that noble commander. His good conduct, and great bravery, certainly merited every mark of attention and respect. On that footing, he would give the motion his hearty concurrence; provided always, that it should not be understood, that he, by this support, gave any countenance to the American war. The honourable gentleman, who had made the motion, had earnestly wished that it might be carried with unanimity. There were a few phrases, certain epithets, in the motion, that might tend, he was apprehensive, to frustrate his wishes. They would occur to the honourable gentleman himself, and his end would be better served, by altering them himself, than that they should be struck out by way of amendment.

Lord North.

Lord *North* applauded the excellent conduct and great bravery both of Sir Henry Clinton and Lord Cornwallis, whose services, he said, were meritorious in the highest degree, and important to this country. Nevertheless, as he would not on this occasion bring into view either the origin or the object of the American war, he was willing for his part that any words that might seem to have an ambiguous meaning, should be left out of the motion. He did not doubt but the honourable gentleman who had made the motion, for the sake of unanimity, would readily comply with this desire. The words *rebels* and *important services*, being left out, the motion, in his lordship's opinion, might be thought unexceptionable.

Lord Beauchamp.

Lord *Beauchamp* said, that the conduct of the House this night would draw the attention of the world; and earnestly entreated gentlemen in every part of the House as much as possible to study unanimity.

Mr. Coke.

Mr. *Coke*, after explaining his meaning in the parts of the motion which were supposed to be objectionable, consented to the amendments hinted generally by Mr. Townshend, and particularly by Lord North.

Mr.

Mr. *Wilkes*. Mr. Speaker, I rise to express my hope, that the honourable gentleman, who made this motion, will consent to its being withdrawn, because I think it is impossible that the united efforts of the noble * Lord in the blue ribband, and the several gentlemen, who have attempted it, should succeed to render it palatable to both sides of the House, and he has declared, *that he had rather it should be withdrawn, than meet a single negative.* I think it, Sir, my duty to oppose this motion, as originally intended, of which the notice was given, respecting only Lord Cornwallis, and all the subsequent amendments, because in my idea every part of it conveys an approbation of the American war; a war unfounded in principle, and fatal in its consequences to this country. I condemned it at the beginning, and have regularly opposed its progress in every stage, both in and out of parliament. *The eminent and very important services to his Majesty and this country,* mentioned in the motion, I entirely disapprove, and consequently shall withhold the poor pittance of my *thanks* and gratitude, where I do not think them merited, in a war of glaring injustice and wretched policy. I do not mean, Sir, to derogate from the high heroic courage, and superior military virtues, of Lord Cornwallis. I admire the splendor and brilliancy of those qualities, which dazzle in my countryman as they did in Julius Cæsar, and I equally lament that they are called forth to action in the same bad and mischievous cause, the attempt to overturn the liberties of his country. The Roman too possessed, as the honourable gentleman says of Lord Cornwallis, *nice and delicate sentiments of honour and valour.* He was certainly an accomplished gentleman, perhaps the most accomplished of any in the history of mankind; but he carried on a wicked war against the constitution of the free country in which he was born, and therefore under the strongest obligation to support. In the same light I consider the war now carrying on against our brethren in North America; and if an arbitrary, but incapable, administration had succeeded in the plan of dragooning the colonists into *unconditional submission,* I believe that the liberties of England would not long have survived those of

Mr. Wilkes.

* Lord North, Chancellor of the Exchequer, and member for Banbury.

America,

America, and the vital principle of freedom, which now pervades and animates this island, except perhaps a few clans very far north, must have been extinguished. Every friend of the constitution saw early in the support of the American cause a vindication of the rights of Englishmen against an old exploded usurpation of the Stuarts, revived under the third prince of the House of Brunswick.

Sir, I hope to be forgiven, if I repeat at the beginning of this new Parliament the sentiments, which I more than once submitted to the last, and even in the first session of 1774. I am still convinced that the war with America originated in tyranny and usurpation, in the unjust attempt of taking money from the subject of the colonies without his concurrence, in levying taxes on the people there against their consent. This has ever been the favourite maxim of despotism. In opposition to this illegal claim the immortal Hamden shed his blood. Such an attempt against the fundamental rights of the people fully warranted our virtuous and free ancestors to begin the civil war, which brought the tyrant Charles to the scaffold. The American cause, therefore, I mean the primary cause of this destructive civil war, is the cause of every Englishman, who values our excellent constitution; a constitution for several years in a decline, which has of late received many stabs in its vital parts. This right of the people, to withhold or grant their own money, this power of the purse, which includes that of the sword, alone secures the existence of Parliament, our annual meeting within these walls. This marks the difference between the limited monarch of our island, in a mixed government, and the eastern despot, or the arbitrary sovereigns of France and Spain. We then in a particular manner, with a singular propriety, ought to stand forth the guardians of this right to all the subjects of this state.

The sentiments, Sir, on the rights of our brethren in the colonies, which I have now the honour of delivering here, I imbibed from Lord Cornwallis, who enforced them with great energy a few years ago in another House of Parliament. His Lordship, in a solemn argument in the House of Peers, in conjunction with four other respectable characters*,

* The Earls Tankerville, Cornwallis, and Shelburne, Viscount Torrington, and Lord Camden.

strenuously

strenuously denied any right we had to tax the Americans, while they continued unrepresented in the British senate. It was in the debate on the motion for the commitment of the declaratory act. His Lordship's opinion likewise of the wisdom of the measure, after condemning the theory, may be gathered from his words in his examination before this House in May 1779: *I never saw a stronger country, or one better calculated for the defensive* Mr. Pitt, in this House, with a boldness of imagery, and glow of colouring, which his eloquence always gave, did justice to the distinguished patriotism of *the band of the five illustrious heroes*, as he named the small number of peers who on occasion of the opposition to the declaratory act approved themselves the friends of freedom. He did not foresee the slaughter of our fellow-subjects in the same cause by one of that *band of illustrious heroes* at *the glorious victory at Camden.* If there is any change of sentiment on this important question in his Lordship's mind, we have no parliamentary evidence, on which it can be founded. It can only be surmised from his Lordship's eagerly soliciting a command against the Americans at the first breaking out of a war, which originated from the unworthy purposes of passion and party, and since endeavouring by fire and sword to enforce a taxation of the colonies, although as a member of the legislative body he formerly did not hesitate to pronounce it equally impolitic and iniquitous. If arguments of great and irresistible weight have been urged for so total and wonderful a change, they are carefully concealed. The motives of conviction, or rather of this miraculous conversion, are easier guessed than with delicacy explained. As a Peer, his Lordship supports American freedom, and votes against an ignominious badge of bondage on the colonists; as an officer, the same Earl solicits a command in America to enforce that injustice of which he complains, and is active to rivet the chains of slavery on the free-born inhabitants of the new world, and the descendants of Englishmen.—In such a cause I will not give thanks to genius and courage united, but ill directed, productive of no good, but infinite mischief.——I will never fail, Sir, to express my concern and anguish, when I see great military talents thus triumph over the superior civil virtues of the citizen, when I observe mere lawless force and violence receive the aid of valour and distinguished ability to overturn a fabric of freedom and justice, cemented by the best blood of our ancestors. Such military glory is purchased too dear. It is a kind of wretched *anti-civic* crown, which must disgrace

grace the sanguinary brow of every unfeeling, unprincipled conqueror. A good man will indignant turn his eyes from laurels and palms of victory stained with the blood of deserving fellow subjects sacrificed to sordid views, to the lust of power, to the rage of a tyrannical administration. The palm of consistency, at least, the honourable gentleman who made the motion will at all events scarcely think of offering to Lord Cornwallis. That will be worn, and I hope long, with the applause of his grateful country, by another ‡ noble Earl, who rose superior to the false glory to be acquired from his profession, when called upon in an unjustifiable cause, and honourably preferred the line of duty to his country and its constitution, to the fame and renown of military atchievments, which his natural ardour panted after. Lord Cornwallis, Sir Henry Clinton, and Admiral Arbuthnot, I will not consent to thank, for I consider them as having drawn their swords against their innocent American fellow-subjects, and without provocation bathed them in their blood.

The noble § Lord who spoke last, says, that our thanks would come with great propriety to Lord Cornwallis, and the other two officers, because the thanks of this House were voted on the taking of Quebec, and the late success of the gallant Rodney. Does not the noble Lord observe a striking difference in the three cases? The surrender of Quebec was, perhaps, the most important and brilliant triumph over France of all the splendid victories of the last glorious war. It was the conquest of the capital of the perfidious Gaul in the new world. Sir George Rodney's late defeat and capture of the Spanish men of war at that critical moment merited the warmest thanks, and most esteemed rewards of this country. In both cases we were destroying the overgrown power of the House of Bourbon, the inveterate, avowed enemy of this nation. I think with Hannibal, *hostem qui feriet mihi erit Carthaginiensis.* I hold that man to be the best Englishman whose efforts shall be the boldest, the most spirited and successful against France and Spain, especially against their naval power, which by the criminal negligence of our ministers has risen to such an alarming greatness. I will from my heart thank that man. I will vote to decree him every honour of

‡ The Earl of Effingham.

§ Lord Beauchamp, member for Orford, cofferer of his Majesty's houshold.

the senate and people.' On the House of Bourbon should we call down all the thunder of the war. We ought, Sir, to blush at the cruel ravaging and desolation of the country, and the merciless slaughter of the inhabitants of our colonies, in a foolish, angry quarrel, carefully fomented at last to a bloody war, raised on a *baseless fabric*, which perhaps in the end may scarcely *leave a wreck behind.* Our generals and admirals have already totally ruined some of the most flourishing parts of this convulsed empire, and destroyed numberless industrious brave fellow-subjects, equally intitled with themselves to the protection of the laws, and executive power. Are these, Sir, the eminent and very important services to his Majesty and this country, for which the honourable gentleman flattered himself with obtaining for our commanders the unanimous thanks of this House, of the representatives of the people of England?

It has been said, Sir, by the honourable gentleman who made this motion, that the Americans are now actually leagued with France and Spain against this country. I do not doubt the existence of a triple league between America, Spain and France, but I know the provocation, and I have good reason to believe the alliance is only defensive and temporary. I do not allude to commercial treaties France and Spain now appear to the world as auxiliaries to the United States of North America. The first alliance with France was made with great reluctance by America on the spur of the present necessity. It was not thought of until in our domestic quarrel we called in foreign forces to cut their throats, until the mercenary German, or rather Cappadocian, princes, sold their subjects, like cattle, to an administration expert in every species of bribery and ruinous contract, until long after our negociation for Russian troops to be sent to North America had been rejected in terms of contempt and horror. The late union between America and France is so unnatural, that I am satisfied, whenever you offer, with sincerity and cordiality, honourable terms, accompanied with the security America will expect, it will be dissolved. Your conduct hitherto has drawn closer every tie between them. If you improve the late most glorious victory at Camden, to bring about this necessary peace with America, then will be the moment to rejoice, to join in thanksgiving for the salvation of Great Britain as well as America.

Sir, I will not thank for victories, which only tend to protract a destructive war. I should rather have said for some

tranſitory, deluſive gleams of ſucceſs in this unjuſt, and providentially unfortunate American conteſt, this *bellum ſine hoſte*, as ſuch a ſtate of arms was defined by the ancients. Not a ſingle Frenchman or Spaniard in arms againſt us fell at this moſt glorious victory at Camden, but *Romanæ miſcent acies.* Is it probable that this moſt glorious victory will lead to an honourable peace? If it does not, but is the cauſe of continuing the war, I ſhall deem it a public calamity. Peace, peace with America, only can ſave this ſinking ſtate, and give us permanent proſperity. We are already nearly exhauſted, yet continue bleeding at every vein. Peace ought to be had on almoſt any terms, for from the eſtimates on our table the expence of this war, continued a few years longer, will bankrupt this nation, the population, commerce, and navigation of which are viſibly decreaſing. I conſider peace as of abſolute neceſſity for ourſelves, for the internal ſtate and independence of our own iſland, in the preſent criſis of horror and almoſt deſpair. I would ſubſcribe to almoſt any conditions to obtain it, becauſe I believe the North-Americans would then readily quit an unnatural alliance, into which they have been driven by our more unnatural conduct. Neceſſity brought forward the new idea, formed, ſigned, and has hitherto obſerved that ſtrange treaty. America, detached from her preſent connections, and in a real union of intereſts and ſtrength with Great Britain, is more than a match for the confederate Houſe of Bourbon. In ſuch a ſituation the Family Compact would not dare to be avowed. The laſt war gives us the proof in point. We had then an able and enterprizing miniſter, in full poſſeſſion of the moſt active genius and vigour of mind, ſeconded by the whole ſtrength of the Britiſh nation and America. What is our preſent proſpect? America is at this moment thrown into the ſcale of the Houſe of Bourbon. Muſt it not then weigh us down? It ſurely, Sir, becomes miniſters to lay aſide all paſſions and prejudices, and endeavour to heal this unhappy breach between two powerful friends, when every conceſſion to America, either as a ſubject or an ally, may win her to us, reſtore the balance of power in our favour, and compenſate the loſs of all our other allies.

The independence, Sir, of the colonies has been frequently mentioned in this debate, but with a poſitive declaration that it is a point never to be conceded. Whether it is granted, or not, by a Britiſh Parliament, *de jure*, ſeems to me of little moment and avail. It is merely an amuſing, curious theme

theme of speculation among a set of idle, listless, loitering, lounging, ill-informed gentlemen at Westminster, who remark the disorders of the state, to combat which they possess not vigour of mind or virtue. A country, much larger than our European empire, which we still love to call our colonies, does, and will, possess it *de facto*, notwithstanding all the present delusive assurances of ministers within these walls, notwithstanding the late exploits of a Cornwallis and Clinton, notwithstanding all the former repeated victories of Gage and the Howes. It is in this island only that persons are found, who doubt that the present war will end in the acknowledging of American independence.

The history of this war warrants me, Sir, in the suspicion that all these boasted successes do not tend to any real emolument to our country, to bring nearer the wished-for moment of a re-union, and sincere reconciliation with our alienated brethren in the colonies. After the evacuation of Boston, Rhode-Island, and Philadelphia, for the acquisition of which no thanks, I believe, were given by this House, a small degree of sagacity might lead any man to suspect that the reduction of Charles-Town, by the army and navy under the command of Sir Henry Clinton and Vice Admiral Arbuthnot, and the late most glorious victory obtained by Lord Cornwallis at Camden, will in due time be followed by the evacuation of Charles-Town, and the two Carolinas. A future Gazette will probably announce it, to screen the generals, in the same terms as with respect to Philadelphia, and with as much cold indifference as any play or farce at either of our theatres, by his Majesty's command.

Sir, I can never separate in my mind the rotten foundation on which the whole system of the American war is built, from some specious parts of it, by which the unthinking are at the first view allured and dazzled. As I reprobate the want of principle in its origin, I the more lament all the spirited exertions of valour, and the wisdom of conduct, which in a good cause I should warmly applaud. Thinking as I do, I see more matter of grief than of triumph, of bewailing than thanksgiving, in this civil contest, and the deluge of blood which has overflowed America. Would to God, Sir, we could leave persecuting, even to death, those of our own blood, who only desired to be received as friends and fellow subjects, to share our fortunes, to fight our battles, as before, by our side, and to enjoy at home peace, liberty, and safety. Public thanks from this House on the present

present occasion will only widen the breach, and demonstrate how far we are behind other nations in the knowledge of true policy. The wisest and most polished nations of antiquity drew a thick, dark veil over the horror of civil commotion and bloodshed. I will admit for a moment, merely for the argument, that all which has been urged by the noble Lord in the blue ribband, and the gentlemen on the other side of the House, is well founded, that the American war originated in justice and policy, and that the colonies have rebelled, still I object to every motion like the present, because I wish to hide the nation's scar, and to forget all deeds of valour, not against the common enemy, but our fellow-subjects, whom I desire to save and conciliate. The Romans, undoubtedly the first people in the universe, granted no triumphs for the victories of their generals in civil wars. They wished not to record and perpetuate, but to conceal and deliver to oblivion, the memory of Romans falling by the swords of Romans. They thought it the direct effect of the vengeance of the incensed gods. That example of enlightened polity will, I trust, be adopted by the honourable gentleman, who made the motion. I am sure that no man feels more than he does for the present calamities of both countries in this cruel, civil contest. I know the humanity and tenderness of his nature, and thought it rather surprising that he should chuse to bring himself into the unpleasing, awkwark situation of Burrus in Tacitus, *et moerens Burrus et laudans*. Such a conflict of different passions is highly distressing. I will endeavour to extricate him by the most earnest supplication that he would withdraw a motion, from every part of which I find it my duty to dissent, while I deeply lament that the lustre of such splendid victories is obscured and darkened by the want of a good cause, without which no war, in the eye of truth and reason, before God or man, can be justified.

Lord *North*. Lord *North* regretted that he found himself obliged to deviate somewhat from his intentions, to say nothing concerning the justice or policy of the American war. The honourable gentleman over the way, had attempted to sully laurels which he had hoped would be above the power of detraction. Lord Cornwallis was fighting, and fighting not against, but for his country. Nor had his conduct been in any degree inconsistent. He had protested against carrying on coercive measures against America, as long as he conceived the Americans injured by such measures. But as soon as Great Britain

Britain gave up the point of taxation, and made other liberal conceſſions, it was conſiſtent in Lord Cornwallis to draw his ſword againſt thoſe whom juſtice, and more than juſtice would not ſatisfy, and who had leagued themſelves with the inveterate enemies of this country.

He ſaid, he muſt remind the honourable gentleman of the political ſentiments, on this ſubject of the Earl of Chatham, who would have been moved with the greateſt indignation at the idea of giving up the dependency of America on this country, although he was not a friend to American taxation. He obſerved that Earl Cornwallis was not a ſoldier of fortune, or under any temptation to ſeek in war the advancement of his intereſt. He had left the comforts of a liberal fortune to riſque his life, and undergo many toils in war, to ſerve his country, and perhaps to a view of perſonal reputation; but a reputation well deſerved, being founded on ſervices of the greateſt importance to his country He hoped that the honourable gentleman would be the only man in the Houſe who would oppoſe the motion.

Mr. *Wilkes* deſired it to be underſtood, that he had never ſaid Lord Cornwallis was a ſoldier of fortune; he had only ſaid, that after profeſſions of a contrary diſpoſition, he had drawn his ſword againſt the liberties of his countrymen. Mr. *Wilkes.*

Sir *Charles Bunbury* ſaid, that the honourable gentleman who had made the motion had wiſhed ardently for unanimity. He wiſhed that the motion had been conceived in other terms. Earl Cornwallis might be thanked for doing his duty as an officer, without any motion being made of the cauſe in which his abilities were exerted, in the ſame manner that an artiſan might be applauded for performing his part well, though the deſign of the architect, of which his work formed a part, might be condemned. Why was not Sir Henry Clinton thanked immediately after the reduction of Charles-Town? It did not ſeem a great mark of reſpect to that general officer, to defer a vote of thanks to him, until he was occaſionally taken into the liſt of meritorious officers, when thanks were moved to others. Sir *Charles Bunbury.*

Lord *Beauchamp* moved that, by way of amendment to the motion, the thanks of the Houſe ſhould be given to Vice Admiral Arbuthnot, at the ſame time that they ſhould be given to Sir Henry Clinton. The admiral had contributed his ſhare towards that conqueſt, and there were precedents, nay, it was cuſtomary to thank the admiral as well as the general, when any ſucceſs was owing to the joint operation Lord *Beauchamp.*

of both army and fleet, as in the case of the reduction of Quebec in the last war.

Sir Joseph Mawbey. Sir *Joseph Mawbey*. Mr. Speaker, I was not in the House when the honourable gentleman made his motion for thanks to Sir Henry Clinton, and the Earl Cornwallis, which I am persuaded originated with him from the purest motives. The noble Lord in the blue ribband, and an honourable gentleman near me, has talked much of the glory and importance of the victory at Camden; if, in any thing I shall say on the subject, I should be thought to depreciate and deny that glory and that importance, I hope no gentleman will believe I have any ill will to the noble Lord, for whose character and abilities I have the highest respect.

I think the thanks of the House should never be given but on occasions the most important; when a victory has been obtained, which has been followed by consequences the most considerable and beneficial; they will lose their value when given on light and trivial occasions. The victory of Camden, in my poor opinion, is deserving of no particular attention from this House; and I verily believe, the noble Lord himself would not wish to have the thanks of Parliament for such a victory. When some honourable friends of mine lately moved the thanks of this House to our late Speaker, Sir Fletcher Norton, I did not vote, because they appeared to me to be unprecedented and improper. Can any man believe, that thanks, as in that case, opposed by more than two-fifths of the House, reflect any honour on that gentleman; so far from it, that I am persuaded, that he himself must wish that question had never been agitated. The thanks of Parliament should come with unanimity to be valuable. I think with the Poet, that *Praise undeserved is censure in disguise*. It is impossible the present motion should meet with general concurrence.

If we believe the American account of the battle of Camden, their left wing and centre, composed of militia, ran away at the very first fire, and only a few regular continental troops opposed for a short time the whole British army. A victory over troops who did not fight, is not of a sort to call for the thanks of Parliament. That at Bunker's-Hill was a most gallant business, because it was obtained over troops who made a brave resistance, and who were driven from their various intrenchments, one after the other, with great slaughter. The victory at Camden is not marked by any material consequences. Lord Cornwallis himself says, the

the enemy were upwards of 5000 in number, and he makes the killed and prisoners not quite 2000; so that 3000 men escaped, dispersed, and scattered indeed, but which in all probability at this time compose an army, with considerable re-inforcements, sufficient, under General Gates, to drive Lord Cornwallis back towards Charles-Town. If the victory at Camden only affords ministers a pretext for another year's continuance of this unfortunate war, begun in folly and wickedness, and conducted on their part by incapacity, negligence, or treachery, I shall consider it as a serious calamity: in my poor opinion no victory can be important that is not decisive in America. Whatever procrastinates a war, which I verily believe must end in the allowance of American independency, must in itself be a serious evil.

From the moment an account arrived of this battle, the ministerial writers were busily employed in fabricating extracts of letters from Boston, New-York, and Philadelphia, written all in London, painting discord among the Americans, and insinuating defection, which never existed but in their own imaginations; by such means the deluded people of this country are to be reconciled to the further prosecution of this calamitous and unfortunate war.

There was a time when ministers might have ended this unfortunate war with credit. The Americans wanted only to be put in the situation they were in before the year 1763. But unconditional submission was then the cry, and Governor Penn's petition was rejected with contempt. Commissioners, when it was too late, were sent out, offering terms less advantageous for this country: but it was impossible the Americans could confide in any assurances given by the same ministers, from whom all their calamities originated, more especially after the breach of assurances contained in Lord Hillsborough's famous letter.

I have uniformly opposed the American war, and all the steps that led to it, from principle. I thought it unjust in its commencement, and I object to it now on the ground of inexpediency. Is there a man, that will gravely, and with an unembarrassed face, assert in this assembly, that he thinks we can conquer America, assisted as she now is, by France and Spain? Will either of the noble Lords over the way assert it? Will Lord Cornwallis come to this House, after his arrival in England, and assert it?—I have too good an opinion of the good sense, and honour of the noble Lord, to believe that he will. General Grey told us a contrary story; and an honourable

gentleman [Sir John Wrottesley] a member of our own, told us, after serving two campaigns in America, that it was impossible for this country to subdue that, even though the 20 or 30,000 Russians that were talked of, had been sent to assist us: and he has, though connected with the heads of administration, voted ever since, very much to his honour, against the continuance of the American war. Why do we carry on the war without any hopes of success? The people of this country are oppressed by the decline of trade, and the enormous taxes laid upon them. Every year will add to those distresses.---The people feel and murmur. The noble Lord in the blue ribband seems insensible of their sufferings. I know there is a general discontent: if the war continues much longer, national bankruptcy will take place, and the consequences must be seriously alarming.

If ambition, if avarice, prompt the noble Lords over the way to continue in office, would to God that ambition and avarice could be gratified without their country's ruin! Let them have sinecure places and reversions for themselves, their wives, and all their children. Let the crown give them new honours, red ribbands, blue, or green. Let them be assured of this bishoprick, and that auditorship, provided we can get rid of them as statesmen. Let them have any thing, let them be any thing, rather than in a situation to complete the ruin of their country!

The honourable gentleman who moved the motion of thanks has said, that he drew it originally in the precise terms used in thanking the Duke of Cumberland in 1746. Does he then liken the battle of Camden to the Duke's victory over the Scotch rebels at Culloden? There never were two actions more dissimilar: the one extinguished a rebellion, the object of which was to overturn the constitution and religion of this country, and to divest the House of Hanover of the throne; the other was in consequence of a war begun in injustice, and the battle has been productive of no material effects.

Let me inform the honourable gentleman, that censure on the undeserving, is as necessary as thanks to the meritorious, for the promotion of military discipline, and honourable atchivement; and, I hope, he will proceed to enquire into demerit, wherever it may be found in the service.

Report says, we are speedily to have among us Sir Hugh Palliser, who has been convicted by one court martial of bringing a malicious and ill-founded charge against his commanding

manding officer, and has been found guilty of neglect of duty by another.

[Here a cry of Order ran through the House; and the speaker said, that Sir Hugh Pallifer was not yet a member of the House, and therefore he hoped Sir Joseph would not bring his name into debate irregularly.]

Sir Joseph resumed, and said, I am obliged to you, Sir, for your caution and advice. I have said nothing of that gentleman I will not say to his face: I have no prejudice against him, but what has arisen from the facts stated and proved in the printed trials, which every gentleman may have in his power to peruse. But, Sir, he has neglected his duty, and has brought a malicious and ill-founded charge against his commanding officer; notwithstanding which, he has lately been promoted to the government of Greenwich Hospital, a place to which he could have had no pretensions from rank and standing in the service, if his conduct had not been exceptionable, as I think it.

I shall probably be told, that the court-martial, in affixing on his accusation the epithets *malicious and ill-founded*, exceeded their jurisdiction, and that he was acquitted by the other court-martial. The latter, indeed, acquited him, but neither unanimously nor honourably, after finding him guilty of neglect: the other court-martial did not exceed the usage and practice in like cases, which is the law of courts martial. In the year 1757, or 1758, Sir Thomas Frankland, then at Antigua, brought a charge against Sir Thomas Pye.

[Here the speaker called Sir Joseph to order, as deviating from the question. Mr. Fox supported Sir Joseph, and shewed clearly that nothing could be more orderly than to talk of the delinquency of one Admiral, when the question related to the thanking of another. Mr. Rigby supported the speaker, and called Sir Joseph's a dull narrative; which expression immediately called up Mr. Townshend, who, with great warmth and eloquence, attacked Mr. Rigby for his ungentleman-like and illiberal reflection. After the speaker and Mr. Rigby had again spoken, Sir Joseph Mawbey proceeded.]

I am inclined, Sir, to doubt at least of my being right, when you tell me I am wrong; and though it would not be difficult to go on in a way perfectly consistent with order, I shall not proceed, as I find it objectionable to one part of the House. As to the honourable gentleman's charge of dullness, it becomes not me to say much on that subject; I know how

little qualified I am to entertain, but I speak from principle and genuine opinion. The honourable gentleman possesses, in a superior degree, the faculties necessary to afford entertainment; and though I am seldom convinced, I am pleased by his orations, which are always lively and diverting. I oppose the motion of thanks for the reasons I have before stated; and more particularly because I think General Prevost, Admiral Barrington, and others, equally entitled to them for their military conduct. You will cast a stigma on those officers, if the thanks of this House be not given to them; perhaps at this late hour it were better to give none, and therefore I hope the honourable gentleman will withdraw his motion.

Mr. *Rigby*. Mr. *Rigby* thanked the Speaker for the polite manner in which he had conveyed his censure. Henceforward, he said, there will no such thing to be heard of as dullness in the House of Commons. Dullness had taken her flight for ever from this House, and on a very singular occasion. He was going on in this strain, when Sir Joseph Mawbey seemed inclined to rise again to speak. But I am afraid, said Mr. Rigby, that I am growing dull, I will therefore sit down, until the House resumes its brilliancy.

Mr. *Sheridan*. Mr. *Sheridan* observed, that Mr. Coke had expressed an earnest desire that this motion might pass unanimously, though he knew that there were in that House different descriptions of men, who could not assent to a vote that seemed to imply a recognition or [illegible]robation of the American war. If so many were to be included in this vote of thanks, why exclude any who had an equal title to the applause of the House, with those particularized in the motion? Why not thank General Prevost, for example, for his victory over the enemy at Savannah? A victory that had laid the foundation of the success at Charles-Town, which led the way to that at Camden?

He hoped that a motion would not be objected to, to thank General Prevost, that the victory gained by him was a victory only over the French. Mr. Sheridan asked farther, why the thanks of the House had not been voted to Sir Henry Clinton, immediately on the arrival of the success at Charles-Town? And what must be the feelings of that general officer, when he reflected that the thanks of the House were voted to him only in consequence of a resolution to thank Earl Cornwallis?

Mr. Sheridan apologized to Mr. Rigby for not answering some things that had fallen from him, in the same ludicrous strain, in which he chose to view every thing, except what related immediately to his own interest. In his own opinion there were some things too serious for ridicule, and the question before them, if ever any question did, merited a serious and grave discussion. He acknowledged the honourable gentleman had a fund of drollery and humour, but he liked his ingenuity, his humour, and his counsels, better than his political arguments.

Mr. *Courtenaye* thought that gentlemen on the other side of the House might vote thanks to the gallant officers proposed as objects of their gratitude and praise, without any scruple arising from any opinion concerning the justness or expediency of the American war, when they considered that it was of importance to this country to maintain and even promote the honour of the British name. Mr. Courtenaye.

When they considered that Lord Cornwallis had saved the lives of a whole army, ready to be swallowed up by so numerous a foe, by the wisdom of his dispositions, as well as the generous ardour which his noble example inspired into the troops: if among the Romans, he was rewarded with a civic crown who saved the life of a single citizen, how much more does he deserve a tribute of praise who saves the lives of thousands! Besides, the Americans were the allies of France, and every wound that was given to America affected the House of Bourbon.

He had not now respect to the origin of the war, but to the present state of it. He considered not what had been, but what in reality was, and what was likely to be. He compared those politicians, who were perpetually murmuring about the beginning of the war, to the ideot who, accustomed to hear at certain hours a village clock, through the mere force of habit and the association of ideas, continued to count the hours, at the proper periodical times, after the clock had gone to decay or was broken in pieces. He touched on the subject of the personal altercation between Mr. Rigby and Sir Joseph Mawbey in this manner: dullness, with the best intentions to be brilliant, is often unavoidable. A p g, it is said, never attempts to swim, which is the next thing to soaring, without cutting its throat. Again, it is said, that an eel swims faster in mud, though it has no fins, than fishes that have. He applied to something that a chymist told him, concerning

concerning a preparation of lead, which tho' cold, heavy, and soporific, had a poisonous and malignant quality.

Mr. *Fox*, said, that it had been very well observed by his honourable friend [Mr. Sheridan] that there were some things too serious for buffoonry, and the subject before them he conceived to be of this kind, and had expected that it would have been seriously treated even by those who seldom treated with seriousness any thing else. With regard to the merit of Lord Cornwallis, ministers, after all their encomiums, had greatly under-rated it: for the only fruit of the taking of Charles-Town was to throw that able officer and the troops under his command into a situation of great peril, from which he had extricated them with amazing ability and bravery.

On this point he dwelt with great ingenuity, placing it in a variety of lights. He asked what were to be the advantages to be derived from the reduction of Charles-Town, and the victory at Camden? And whether the thanks of the House would have been refused had they been proposed to Sir William Howe, after the victory on Long Island, Bunker's-Hill, Brandywine, or on his taking New-York or Philadelphia? Or would they have been refused to another general, on his taking Ticonderoga? Such, he presumed, would be the victories for which the House was to offer thanks. He allowed the merits of the officers now in queston, but he made a distinction between thanks and praise. He might admire their valour, but he could not separate the intention from the action; they were united in his mind; there they formed one whole, and he would not attempt to divide them. He would not vote the thanks of the House to any admiral, while the navy of England was in such bad hands. He alledged that ministry, dissatisfied and chagrined with the thanks that had been given to Sir Fletcher Norton, had taken this method of depreciating their value. He asked where they were to stop, and why thanks were not voted to the whole navy and army?

The same men, who had fomented the rebellion in 1745, seemed to be at the bottom of the American war. They wished to subdue the liberties of England by first subduing those of America; and the vote of thanks moved for this day is in this spirit, "You thanked the Duke of Cumberland for conquering us in 1745, now we have an opportunity of retaliating the insult, by thanking Sir Henry Clinton and Lord Cornwallis for conquering you.

Mr.

Mr. *Adam* observed, in answer to Mr. Fox, that in the time of the war of the succession, thanks had been voted to the Duke of Marlborough, though the war was unpopular, in which his great talents were exerted. Who would have thought of considering the victories at Rosbach by the King of Prussia, and at Minden by Prince Ferdinand, as disadvantages to this country, though the German war was considered by many as ruinous thereto? Was ever such language held by any opposition as is held by the present? Mr. Adam described the courage and firm constancy of Earl Cornwallis, who never once thought of yielding to the enemy in any situation, however alarming, but stretched out a line of two thousand and six hundred men, with most undaunted and magnanimous courage, in opposition to a front of seven thousand. Mr. *Adam*.

Sir F. Basset thought it the duty of an officer, who sacrificed to his station, part of the liberty of a British subject, to obey, without reserve, the orders of the King. Sir George Savile demanded an explanation of these words, and obtained it. The Solicitor General made a speech in support of the motion, and of the justice and necessity of the American war.

Mr. *Fox* complained that the learned gentleman had declined to enter into a dispute concerning the American war, on a former and proper occasion, and now defended it when he knew he would not be opposed. For his own part he thought that matter was not before the House at this time; but he threw out the gauntlet to any politician on that subject, confiding not in his own abilities but in the goodness of his cause. Mr. *Fox*.

Sir J. Wrottesly, Mr. Byng, Mr. Martin, Sir George Yonge, Lord Mahon, Thomas Townshend, &c. also spoke.

But at length the question was put, and the motion, with the amendments above stated, was carried without a division.

November 28.

A motion being made to bring up the report of the committee of supply.

Mr. *Hussey* rose, and complained of the preference and partiality shewn to one branch of the public service, and that not the most important. He said, the amount of the estimates of the army agreed to by the Committee on Friday, with the amount of the estimate of the ordnance, yet to be voted, Mr. *Hussey*.

voted, the vote of credit, and the amount of the extraordinaries of the army, (which the right honourable gentleman would, he ſuppoſed, bring to the Houſe after Chriſtmas, as uſual,) all added together, would come nearly to the amount of ten millions, a ſum infinitely too large for that Houſe to vote for the ſingle ſervice of the army, without hearing ſome ſatisfactory account how it was to be applied. This country was attacked by the moſt powerful confederacy that ever yet had taken up arms againſt her, and if any thing could give us ſafety, it muſt be our having a more powerful navy than our enemies; how was that deſirable object attempted by his Majeſty's miniſters?—In a letter publiſhed laſt year by a member of that Houſe, it was ſtated, that the number of ſeamen employed by us, had encreaſed from 96,000 to 98,000, but it was at the ſame time acknowledged, that the number of ſeamen employed, upon the aggregate, by our enemies, was much greater. Why was this? If this country could only be ſaved by her navy, and he believed no miniſter would be hardy enough to deny this, or to contradict what had been ſo well aſſerted by a noble Lord in his ſpeech the preceding day, viz. "that an honourable peace could only be hoped for, by our deſtroying the marine of France," it ought to be the firſt object of miniſters, to encreaſe and ſtrengthen the navy, and not to do it by driblets, not by adding 2000 men, but to add an effectual increaſe immediately. Mr. Huſſey ſaid, he ſaw this matter in ſo ſtrong a point of view, that unleſs he received ſatisfaction upon that head, he would take the earlieſt opportunity of moving, that an additional 20,000 men be voted for the navy. Having ſaid this, he went into a conſideration and reply to what had fallen from the ſecretary at war on the 24th, declaring, that he conſidered the preſent, but as an adjourned debate. He called to the recollection of the Houſe, the great difficulties which the right honourable gentleman had ſtated to be in the way of the recruiting ſervice, and which, the right honourable gentleman had aſſigned as a reaſon for his plan of œconomy, in reducing the number of men in the old regiments to 56 per company. The right honourable gentleman had ſaid he could not get recruits for the old corps, and therefore he reduced their complements. What was this, but confeſſing that our reſources of men were nearly uſed up, and having recourſe to a plan of neceſſity in the beginning almoſt of this war, which we had not been driven to adopt till juſt upon the cloſe of the laſt war? This was a melancholy

melancholy consideration for that House, and for their constituents to whom it held out no hopes, no prospect of this country being able, either in point of finance or resource, to hold out with France, Spain, and America much longer. He said, he remembered two years ago the right honourable gentleman had come down to that House, triumphantly, and had said, we had at that time a greater land force than any nation, even Rome itself, was ever known to possess. For this immense army an immense expence had been incurred, it was fair therefore for him to recur to the right honourable gentleman's triumphant argument, and to ask what had been the atchievements of this vast army? What had they done, and what had the people to look to for their money? Having argued this point for some time, Mr. Hussey repeated his design of moving, that an additional 20,000 men be voted for the navy service; and after declaring that it was incumbent on that House to consider the army estimates, and see if they could apply the money more oeconomically, or to a more essential service, he concluded with moving, "That the report be recommitted."

Sir *Philip Jennings Clerke* said, he rose to second the motion. He thought now as he had thought last year, when he moved the House for that purpose, that the monthly returns ought to be laid on the table, previous to the House's agreeing to vote such a large additional sum for the army service. Their constituents had a right to know how their money was disposed of, and for what it was paid. He would therefore not barely second the motion, but move, by way of amendment, that the report be recommitted till the monthly returns of the army were laid on the table. *Sir Philip Jennings Clerke.*

The Speaker told Sir Philip, that a motion having been made to recommit the report, that must be first disposed of, before any question of amendment could be put.

Sir Philip then said, he would at present only second his honourable friend's motion.

Mr. *Jenkinson*, Secretary at War, next rose and said, he should, at all times be glad to give the House every satisfaction in his power. That with regard to the navy of England, the honourable gentleman who made the motion, could not feel a more anxious desire to push it to the utmost, and give it every possible assistance than he did. He was conscious it was the natural and the best force that this country could rely on for protection and defence. So fully aware was he of this, that if he thought the voting the number of *Mr. Jenkinson.*

men, agreed to in the committee, for the use of the land service, would diminish, check or lessen the number of seamen to be obtained, he should be to the full as averse to agreeing to the report as the honourable gentleman. Even if he thought it would take away a man from the navy, he should not approve of the report. But as he was convinced of the necessity of our having, under the present circumstances of affairs, a powerful land force, as well as a powerful navy, and as he knew, that the voting the estimates would not in the least prejudice the navy, he certainly should approve and support the agreeing to the report. Gentlemen seemed not to be aware that a great part of the army served as marines on board the fleet, and that in fact by voting that army, they were voting assistance to the navy. Exclusive of this, surely it needed not many words to prove the absolute necessity of our having a respectable land force.

The honourable gentleman had alluded to his having talked of the large army we had two years ago, when he had proposed an augmentation of the companies; it was very true. We had then upon the estimates, and under the calculation of the amount of the force, when the regiments were full, according to the augmentation proposed, a very large army, but that augmentation had never been compleated. He had at the time brought in a bill, which, as he mentioned to the committee, he had flattered himself would, when passed into a law, have effectually assisted the army, by coercing, as it were, the recruiting service. That act, as he had before said, did not operate exactly as he had expected it would do. It promoted other services, but it had not proved of any great benefit to the army. It was therefore because recruits for the old corps were not easy to be got, that he had formed the plan of reducing the companies, and not, as some gentlemen had suggested, because he had any preference for new levies. He repeated what he had said the other day, he thought the filling up of the old corps the matter most to be wished for. It was undoubtedly the best way of recruiting the army, and ought always to be preferred to any other way. But at present, the necessity of affairs called for men; men must be raised at any rate, and as they were to be got easier for the new corps than for the old ones, necessity made it wisdom to accept of such offers for new levies, as were made upon conditions least unreasonable in themselves and most advantageous to the public. Some gentlemen had, in their zeal to fill the old corps, advised an increase of levy-money. Gentlemen

tlemen who used this argument were not perhaps aware, that if five pounds were added to the present five pounds allowed the army, it would not still come up to the price given for recruits by the gentlemen who undertook to raise the new corps, or for militia substitutes. And if the army levy-money was increased, it would only enhance the market price of militia substitutes, for undoubtedly their price would encrease in proportion; for they, as gentlemen must clearly see, would always give more, than the army could afford to give. As the case stood, he lamented as much as any gentleman, that there was a difficulty in the way of the recruiting service, but he was very far from imputing, that as the honourable gentleman had suggested, to the failure of our resources of men. He knew from the great ease and the short time in which the new corps were raised, there were men enough to be had, but it so happened that the army was not so favourite a service as the navy. Having spoken some time on this subject, he took notice that the honourable gentleman had asked, what had been the atchievements of the vast army that this country had maintained for some time past? If gentlemen considered the nature of the war, if they reflected on the very powerful confederacy in arms against us, how extensive and widely spread over the face of the earth the possessions of this country were, he should imagine that it would neither appear that the army had been useless, or that it had done but little. He should imagine when it was considered, that we had suffered no essential loss the whole campaign, that we had neither lost an army, a ship, nor an island, that on the contrary we had rather gained upon our enemies, and that our army had been signally victorious in North America; gentlemen would be of opinion that much more than could have been expected, under the unusual and alarming situation in which we stood, had been atchieved; and that the events which had taken place argued very forcibly not only the success, but he begged to add, the wisdom of his Majesty's councils. Exclusive of this retrospect of affairs, he said it must be urged, in proof of the great utility of our having a respectable land force, that it was by means of the army at New York, that Sir Henry Clinton had so long been able to keep General Washington at bay, and was now enabled to keep both General Washington's forces, and the army which the French had sent to Rhode Island, under Monsieur Rochambeau, at bay likewise. It was by means of our having a respectable land force in most of our

 islands,

islands, that we were able to prevent the enemy, when they were superior to us at sea, from attacking them, till our fleet could come to their assistance. Observing that his expression of, "the superiority of the enemy at sea," had caught the ears of the gentlemen on the other side, he said, that undoubtedly in a war like the present, in which the enemy had it in their option where to make the attack, they would sometimes be superior at sea in particular places, and that was unavoidable. At the same time though they were obviously upon the watch to discover where we were most weak and most vulnerable, it was a circumstance which reflected great honour on ministers, and afforded a strong proof of the utility of the army, that they had not found one part of the British possessions that appeared to them so unguarded as to invite them to hazard an attempt. The secretary said he was unwilling to go into an argument on the American war, he would therefore just touch upon that topic; he then slightly alluded to it, and justified it on what he called the old constitutional principles, and at length concluded with a declaration, that he would readily answer any questions that might be asked of him.

Rt. Hon. T. Townshend. Right Hon. *T. Townshend* rose next, and in a pretty long speech went again over the same ground that he had taken on the 24th, relative to the partiality shewn to the new corps, particularly with regard to the augmentation proposed to be made to the regiments of Colonels Fullarton and Humberston, the reason for which, he called upon the noble Lord in the blue ribband to explain. Mr. Townshend reprobated the management of the army in general, and spoke of the Fencibles, which he said were something worse than militia, because, though they were objectionable on the same ground, viz. that they could not be employed out of the kingdom, they were still less to be depended on, as the officers were not obliged to be qualified in the manner that militia officers were. He spoke also, with great resentment, on the inhumanity of sending out new raw regiments to the West-India islands, and said he had it from good authority, that no less than 740 soldiers died at St. Lucia in a very few months. Instead therefore of attending to the decrease of our resources of men, ministers were wantonly wasting the strength of the country, and sending its army to rot in unwholsome climates, and find early graves in the West Indies. He declared that although the young regiments were sent to the West Indies so long since, their camp equipage had been sent out only lately. The men therefore were subjected to the fatality that

that had raged among them, by being expoſed without covering, to the inclemencies of the weather. He replied to the ſecretary at war, and ſaid he was not to be deceived by the falſe arguments of one man in office, nor by the deluſive and flattering deſcription of our affairs given by another. That while the blood and treaſure of this country were exhauſting with a rapidity that threatened our immediate ruin, the pompous declaration, that we had eſcaped one whole campaign without the loſs of a ſhip or an iſland, carried no comfort to his mind, becauſe it did not ſhew the leaſt proſpect of peace, nor could peace be expected, while miniſters obſtinately and wickedly, in defiance of the ſenſe of the people, perſevered in that accurſed American war. He remembered that during the laſt war a great miniſter had declared *that America was conquered in Germany*; the expreſſion was at that time a good deal laughed at, but without much reaſon in his opinion, becauſe it contained great good ſenſe and great reaſon. Miniſters however, now, were purſuing a more abſurd maxim, and were mad enough to imagine that France was to be conquered in America. An idea of the moſt ridiculous nature. They themſelves had declared the war impracticable. A noble Lord, the day before, had ſaid, *Delenda eſt Carthago*; and had very properly pointed out how this was to be done, viz. by deſtroying the marine of France. Why then was not that advice followed? Why was the American war, the ſource of ruin to this country, purſued? Why were not our troops and fleets withdrawn from America, and ſent againſt the poſſeſſions of our natural enemies? It was our having an army in America that kept Mr. Waſhington's army together. Recall the one, and the other would inſtantly crumble to pieces. He called the American war a war of ambition and a war of avarice, and that of the very worſt kind. It was carried on, he ſaid, merely for miniſters to extend the influence of the crown, by giving grants of land, as faſt as it was obtained, to their creatures. He concluded with voting for the recommitment of the report, declaring, that the eſtimates were fallacious and falſe, and contending that Parliament had a right to have the provincial corps voted by eſtimate, as well as the reſt of the army in America.

Lord *North*. The honourable gentleman had aſked, why the two regiments of Colonel Humberſton, and Colonel Fullarton, had been propoſed to be augmented?—He would tell the honourable gentleman. It was very true, that laſt year theſe

Lord *North*.

these two regiments were raifed for a fpecial fervice, and that it was intended to fend them upon that fervice immediately; they had not however been fent, becaufe the idea of the fervice went off, and it was thought advifeable to fend 2000 men upon it, inftead of 1000. Now he, for one, had been of opinion, that; in order to raife the additional 1000 men, it was more expedient, and better for the public, to oblige Colonel Fullarton, and Colonel Humberfton, to double their number of men, than to raife new corps. This, and this only, was the reafon, and not for any partiality to new corps. He was as fully convinced, as the honourable gentleman, that it was much wifer to endeavour to fill up the old corps, than to levy new ones. He always had thought fo, and it was, as the right honourable gentleman, who fpoke early, had ftated, from the difficulties that lay in the way of the recruiting fervice of the army, and on no other account, that he ever confented to raife new corps, for he was ready to acknowledge in the fulleft manner, that new corps ought never to be countenanced, but when from circumftances, it became meritorious in gentlemen who offered to raife them, to make fuch offers, and convenient to the public that thofe offers fhould be accepted. The honourable gentleman had complained of the fencible regiments and faid, they were fomething worfe than militia. Undoubtedly they were, and for the very reafons the honourable gentleman had affigned, but then gentlemen fhould confider, that there were only three fencible regiments in the kingdom, that thefe three were raifed in a moment of emergency, when this country was not only threatened with an invafion, but when an invafion was actually meditated and intended. That danger, he thanked God was now over, and he believed France would not very foon adopt the fame idea. Gentlemen fhould confider alfo that the officers of the fencible regiments were entitled to no half-pay, and had only rank for the time they were employed. He faw, therefore, no very great harm in thefe regiments, though no more were likely to be raifed upon a fimilar plan. With regard to voting the provincial corps ferving in America by eftimate, he had not the fmalleft objection, if Parliament chofe to vote them in that manner; but he believed it was much better for the public to vote them as they were now voted, and to leave the conduct and number of them to the commander in chief. The public, he could affure the Houfe, paid only for the effectives, who were fubject to ftoppages for cloaths, &c. juft the fame as the re-

gular

gular army. Another thing the honourable gentleman had taken notice of, was, the withdrawing our troops from America. In reply to this, his Lordſhip ſaid, he did not mean to go into a long diſcourſe upon the American war juſt then, though he had ſo often ſpoken his mind upon that ſubject, that he had not the leaſt objection to diſcuſs the argument fully at any time. He had always thought the war juſt and neceſſary. A war into which this country was obliged to go. He was a little aſtoniſhed however to hear it called a war of ambition! What ambition? The ambition of whom? He was ſure, he for one, had no ambitious view in it whatever; and if this country was at any time engaged in a war in which the crown could have no object, and no particular intereſt of its own, the American war was that war. It was a war, as gentlemen well knew, commenced and proſecuted in defence of the juſt rights of Parliament! a war originating in the claim of a very moderate exerciſe of a right which no man would deny was inherent in the conſtitution of Great Britain! The honourable gentleman had ſaid, and other gentlemen had ſaid the ſame, "abandon the Americans; withdraw your fleets and armies." Would gentlemen recommend this now, when we had a fair proſpect of recovering the American provinces? Would they abandon all our poſſeſſions in America? Would they abandon thoſe loyaliſts, and leave them to the mercy of Congreſs, who, relying on the good faith of Great Britain, had claimed her protection? But gentlemen ſaid, "withdraw your fleets and armies from America, and attack France and Spain!" Did gentlemen imagine then, that if we took this advice, we ſhould not have Monſieur Rochambeau and General Waſhington's army to fight elſewhere? Would they remain idle? After arguing in this manner for ſome time, his Lordſhip concluded.

General *Burgoyne* ſpoke next, and began with denying that there was the leaſt œconomy in voting a reduction of the old corps. He ſaid, that when the money was voted for an augmentation, and that augmentation could not be obtained, the public were no loſers, if the miniſters of the war department did their duty, and made the army agents make up their accounts properly. He mentioned what had been Mr. Grenville's conduct in this particular, and declared that he got back a great deal of money from the agents for the public. Inſtead of raiſing new corps, he aſked, why was not three pounds added to the levy money of the army? men enough might be got for eight pounds. But for the paltry ſum of

General Burgoyne.

30,000l.

30,000l. the army was suffered to moulder away, till at length we should have no regiments left that were worth any thing, or fit for actual service. He complained of the very great neglect and injustice with which the regiments, now prisoners in America under the Saratoga convention, had been treated. He said, let the weight of that convention fall ever so heavy, he, and he only, ought to bear it; he was ready to answer for his whole conduct at any time, but the regiments now so shamefully deserted, were as gallant regiments as ever took the field on any occasion, or in any country. That the omitting to insert them in the augmentation plan of 1778 was scandalous; that not the least notice had been taken of the officers, notwithstanding so many new corps had been raised and given to Colonels Stanton, Humberston, Keating, and Fullarton; gentlemen who might be extremely respectable in their private characters, but who had no military pretensions to promotion. He saw indeed in last Saturday's Gazette, the names of some few of his officers promoted by brevet, but that was a slender return, a slight amends for all their sufferings. He said, to his knowledge, the army were universally disgusted at command being given to such men as had lately got it. He appealed to a noble Lord, whether an humble and decent remonstrance, or rather a representation of the hardship, had not been formally sent over from the West-Indies. He could impute the partiality which was so apparent in the army promotions, to nothing but a desire to garble the army, for purposes inimical to the constitutional rights of the subject. He asked what it was that Charles the First did, previous to his attempts to erect his prerogative into arbitrary power, but—garble his army? What did James the second do for the same purpose—garble his army! He had been bred a soldier, and he loved and honoured the profession, but he defied any man to say, that he had ever said or done any thing which shewed the least inclination to promote so unconstitutional an idea as a standing army. He had before mentioned it, and he hoped to God an enquiry would be instituted in that House into the bad use that was made of the army during the late summer, when under pretence of preventing riots, the army was employed in the most unconstitutional manner, with a power of acting independent of the interposition of the civil magistrate. The General described some of the soldiers as having themselves been rioters, and when they came to be examined as delin-

 quents,

quents, claimed the authority of magistracy. The General was for the recommitment.

The Secretary at War rose again, and explained some matters which had been adverted to in the course of the debate. He particularly repeated, that he did not think our resources of men exhausted, from the great readiness and ease with which recruits were obtained, particularly, where the regiments were provincial regiments, or regiments that bore the names of particular places. He mentioned the Inniskilling, and some others, which were always recruited with great ease. He also mentioned Lord Percy's regiment, which though it came home but in September, he had that day received a return from, stating that they had already got 200 men. The Secretary, in answer to General Burgoyne's arguments against the œconomy of the reduction plan, and respecting the recovery of money out of the hands of army agents, said, Mr. Grenville had an infinite deal of trouble to get the money back, nor could he effect it, before he had appointed three commissioners to inspect the agents accounts, who, being men of great ability and integrity, had at length got through the business. With regard to the œconomy of his reduction plan, there certainly was œconomy in preventing an advance of the public money, more especially when interest must be paid for every shilling advanced. Besides, money once issued, is not easily, as he had before mentioned, got back again; and public money is surely most safe, when the public have it in their own possession. The Secretary at War.

Sir George Howard reprobated the idea of preferring new corps to filling up the old regiments, as unmilitary and detrimental to the service. He said, he had seen repeated instances of what the right honourable gentleman had stated, relative to the superior ease with which some regiments were recruited to what others were. He declared, he had formerly an old regiment of foot, which was always recruited out of Somersetshire, and never tried for recruits elsewhere. Another regiment, which he stated was called the Yorkshire regiment and always recruited in that county. A third, the Lancashire regiment; and a fourth, the Edinburgh re-regiment, and so on. He said, he remembered to have been present at a conversation, wherein the late Duke of Cumberland (who had done as much for the army as ever man did, and whose name he should always mention with respect and honour) had declared he wished to try in Parliament to get rid of the recruiting service altogether; he thought it a dis- Sir George Howard.

grace to the army, and a fatigue and trouble to the officers, who were obliged to undertake it in turn. The Duke's idea, was, that each county should have one or more regiments of its own, such as the Middlesex regiment, the Essex regiment, and the Surrey regiment, &c. &c. the men not to be enlisted for life, but during a war, or at other times for a limited period; and when recruits were wanted, that a requisition should be made to the county session to furnish them. Sir George said, he told the Duke that such a law would partake of the nature of an impress act in its operation, and therefore would be objected to, but his Royal Highness had convinced him of its equity and practicability. Sir George advised ministers never to employ young corps singly, but always to mix and support them with old regiments.

Mr. *Byng*. Mr. *Byng* complimented Sir George as an ornament to his profession, and added further arguments against favouring new corps, by stating how unfit for service they had proved in Germany last war. He condemned the trusting an expedition of so much importance as to require 2000 men, to two raw regiments, under the command of young and unexperienced lieutenant colonels. Mr. Byng said a general of approved skill and valour ought to be at the head of such an expedition.

Mr. *Sloper*. Mr. *Sloper* advised passing an act to impower the regulars to recruit out of the militia, as a matter which would at once remedy every difficulty in the way of the recruiting service; and give the army, as it ought to have, a decided superiority over the militia.

Lord *Mahon*. Lord *Mahon* complained of agitating so important a question in so thin a House, and declared he never would vote for a supply to carry on the American war, or before ministers had explicitly declared their intentions as to the future conduct of the war. His Lordship proved, that the population of this country was decreased to the amount of one million eight hundred thousand within the last 90 years. His Lordship took his calculation at the ratio of five people in a house; on this he built an argument against the American war, contending that by the wise measure of congress, March 18, the Americans had bought up their debt at two and a half per cent. and were therefore fresh and ready to go on; France also had imposed no new burthens on her subjects, and was rich in resources, while Great Britain was almost exhausted both of men and money. In answer to the secretary at war's

argument that we had lost nothing last campaign. His Lordship asked if Rhode Island, the best harbour in America, was nothing?

Lord *George Germain* said, it was true that such a representation had been transmitted to him. That it complained of gentlemen who had been long in the service, having provincial officers sent to command them; that he had laid it before his Majesty, and by his Majesty's order, referred it to the commander in chief; that he had received it back with his answer, and should transmit the answer to the West-Indies, the first opportunity. His Lordship just added a few words, in reprobation of the idea that this was a war of ambition. Lord George Germain.

Sir *George Savile* having said, he looked on that day as the fit day to consider, not the detail, but the totality of the argument respecting our future prospects with regard to the war and the use of the army, entered upon that subject, and among other matters descanted on the recruiting orders now issued, one of which he produced and read, making a comment by way of turning it into ridicule, as he proceeded. It appeared from it, that the general standard for recruits was to be five feet five, but the officers were instructed to take active men at five feet four, and growing lads of sixteen at five feet three. Sir George said, by this latter instruction, he should have imagined that the purport of the order was, for the officers to get children, and not to procure men to recruit the army. In consequence of these orders children were inlisted, who were scarcely able to stand under their arms. Sir George Savile.

Mr. *Martyn* read a short extract against the American war, from Mr. Burke's address to the electors of Bristol. Mr. Martyn.

At length the House divided, when the numbers were Ayes, (for committing the report) 37; Noes, 108. The report was then read, and agreed to.

The report was as follows:

That 39,666 effective men, commission and non-commissioned officers, including 4213 invalids be employed for land forces for 1781.

That 1,490,774l. be granted for maintaining the said men.

That 1,488,927l. be granted for defraying the charge of the forces in the garrisons at Minorca, Gibraltar, the plantations, &c. for 1781.

That 42,927l. be granted for the pay of general and general-staff officers.

That 56,074l. be granted for the pay of five Hanoverian battalions serving in Gibraltar, in British pay.

That 13,472l. be granted for the pay of the troops of the Landgrave of Hesse Cassel, in ditto.

That 39,597l. be granted for the pay of two regiments of Hanau, in ditto.

That 17,498l. be granted for one regiment of the troops of Waldeck, in ditto.

That 93,947l. be granted for the pay of 4033 of the troops of Brunswick, in ditto.

That 39,644l. be granted for the pay for the troops of the Margrave of Brandenburgh, in ditto.

That 16,630l. be granted for the pay of the troops of the Prince of Anhalt Zerbst, in ditto.

That 49,373l. be granted for defraying the charge of provisions for the foreign troops serving in North America, for 1781.

That 6463l. be granted for the pay of the troops of the Prince of Hesse, in British pay, not before provided for.

That 27,683l. be granted for the charge of artillery for the foreign troops, in British service.

That 672,457l. be granted for defraying the charge of the militia in South Britain, and four regiments of fencibles in North Britain.

That 99,679l. be granted for defraying the expence of pay and clothing for the militia for 178 .

November 29.

The Rt. Hon. *T. Townshend.* The Right Hon. *Thomas Townshend* moved for accounts of all the staff and flag officers and post captains employed in his Majesty's service. This motion was agreed to.

Colonel *Barré.* Colonel *Barre* intimated his intention to move for an account of the army in North America, and other foreign settlements belonging to Great Britain, containing the number of troops, and distinguishing their respective stations, at the beginning of this current year.

Lord *North.* Lord *North* represented the impropriety of making such a motion when the secretary at war was not present. Colonel Barré deferred this motion.

Colonel *Barré.* Colonel *Barré* moved that accounts be laid before this House of all the exports and imports of Great Britain from the year 1773, inclusive, distinguishing the places from which the imports, and to which the exports were made. This motion was agreed to.

Colonel

Colonel *Barré* then moved, that the exports and imports of the year 1780 be laid before the House, which motion was also agreed to. Colonel Barré.

Lord *Mahon* rose up, and said, that he had, in the course of last night's debate, troubled the House with his sentiments on a subject, which he thought alarming, namely, the rapid decrease of population in this kingdom. What he had advanced, was founded on the best evidence that it had been in his power to procure, and the evidence, as far as it went, was good, but in some respects it was incomplete. Lord Mahon.

Papers had been laid before the House about two years and an half ago, containing accounts of the houses paying taxes, and also of those that did not pay taxes within the kingdom, and thence allowing a certain number of souls for each house, might be formed some estimate of the number of inhabitants in Great-Britain. But the papers did not contain any date by which we might investigate the cause of the decrease of population, or find out a remedy for that evil: for they did not describe the situations of different towns and villages with respect to commerce; they did not mark whether the places that had encreased or decreased in populousness were maritime or inland, manufacturing or agricultural; nor did they afford any ground for calculating whether there were not some places that had encreased so much in numbers, as to make up the deficiencies in others. He therefore moved, "That there be laid before this House a particular account of the number of houses and cottages charged, chargeable, discharged and not charged with the duties on houses and windows, both inhabited and uninhabited, within that part of Great Britain called England, in Wales, the Town of Berwick upon Tweed; and also that part of Great Britain called Scotland; distinguishing all the counties in which they lie (and with respect to houses situated within any city having not less than 400 houses, distinguishing also the said city), and likewise distinguishing the several classes of houses as they are assessed, and pay to the duties on houses and windows for each year, from the beginning of the year of 1750 to the year 1779 inclusively.

The House then resolving itself into a committee of supply. Mr. Ord took his seat at the table, when

Sir *Charles Cocks* (clerk of the ordnance) rose, and in the usual manner opened the estimates of the expence of the ordnance, for the year 1781, under the three heads of ordnance Sir Charles Cocks.

ordi-

ordinary, extraordinary, and unprovided ſervices. Sir Charles went into a long and circumſtantial detail of the charges incurred and ſtated under each ſeparate head, from whence it appeared that upon the whole, there was a conſiderable exceſs, over the eſtimates of the laſt year, which he endeavoured to account for, by declaring, that a very great part of the exceeding was occaſioned by charges incurred in 1779, the demands for which were not made at the ordnance board till after the delivery of the laſt year's eſtimates. In the courſe of his ſpeech, Sir Charles deſcanted on the ſeveral cauſes for ſo large an eſtimate, ſtating the fortifications at Gibraltar, the great demand for ordnance of all kinds in conſequence of the various ſervices of the war, the works carrying on at Portſmouth and at Chatham, the expence of the late encampments near town, the number of veſſels belonging to the board of ordnance, which were employed in the navy, and a variety of other matters. Sir Charles, before he ſat down, ſaid, that ſuch had been the care and aſſiduity of the noble Lord who preſided, and the reſt of the board, that altho' his Majeſty's arſenals and magazines were formerly left in a miſerable ſtate of unproviſion, they were now full of ſtores of every kind, and ſo much was ready at Woolwich and elſewhere, that he would venture to ſay, let the demands of the enſuing year be what they might, the ordnance office was ſufficiently prepared to anſwer them immediately.

ptain nchin. Captain *Minchin* aſked, if the 6000l. charged in the eſtimate for Plymouth, was all that was ſpent on the new works there, out of the 20,000l. voted for that ſervice laſt year; and if ſo, where were the remaining 14,000l.

r Charles cks. Sir *Charles Cocks*, in reply, ſaid, he believed the whole of that 20,000l. was expended, and that the 6000l. now charged was for expences incurred, over and above the 20,000l. voted laſt year.

r. Sawbridge. Mr. *Sawbridge* complained of the artillery drivers being allowed half pay. As their duty when employed was labour, he thought they ought not to have any pay, but when they were employed.

r Joſeph awbey. Sir *Joſeph Mawbey* aſked, why the office of Inſpector General of the iron ordnance was continued. He conceived it to be a mere ſinecure, and underſtood that it was contrived ſolely to recompenſe General Deſaguliers, with a ſalary of 500l. per annum, for ſome ingenious invention. That gentleman

tleman being dead, he saw no manner of reason for continuing to burthen the public with the payment of the salary.

Sir *Charles Cocks* said, the office was not a sinecure; that General Desaguliers had invented an instrument, by which the truth of the bore of every piece of ordnance was ascertained, previous to the piece being proved on a proof day; that this instrument, it was the duty of the Inspector General of the iron ordnance, to apply to each piece of ordnance, and if he was ill, the fire master's mate did the duty, and had a salary of 80l. a year for it, which was well deserved by the captain who held the office, he being as good an officer as any in Woolwich yard. Sir Charles added, likewise, that the place was not a new one, there having been formerly a person called the Inspector General of the brass ordnance, whose office was in truth a mere sinecure. Sir Charles Cocks.

Sir Joseph was not satisfied, and still argued against the continuance of such an office.

The first question was then put as follows:

"Resolved, that it is the opinion of this committee,

"That a sum not exceeding 582,929l. 11s. 9d. be granted to his Majesty for defraying the expences of the services performed by the office of ordnance for land service for the year 1781."

This was carried, and afterwards the following:

"That a sum not exceeding 447,182l. 4s. 6d. be granted to his Majesty for defraying the expence of the services performed by the office of ordnance for 1780, and not provided for." Also

"1,500,000l. for paying off the exchequer bills of the last sessions." And also

"1,000,000 for paying off exchequer bills, pursuant to a vote of credit of the last sessions."

November 30.

Colonel *Barré* moved, that there be laid before the House accounts of the army in North America and the West Indies, distinguishing the places where they were stationed, and the national, foreign, and provincial troops, in November, 1779, according to the returns for that year from Sir Henry Clinton. Col. Barré

Mr. *Jenkinson* (Secretary at War) said, that for his own part he had no objection to give all the information that the papers in his office would enable him to give; but he could only tell in general, how many troops were under the command of such or such general officers, as Sir Henry Clinton, Mr Jenkinson.

General

General Haldimand in Canada, General Vaughan, and General Dalling in the Weſt Indies. In the mean time, Lord George Germain came into the Houſe.

Col. *Barré.* Colonel *Barré* ſaid, that he would not move for any papers that might give information to the enemy. Encouraged by the ſecretary at war, on a former day, he had now moved for the papers ſpecified in the motion, and had confined his enquiries to an old date, that he might run no riſque of loſing his motion. The diſtribution of the army in November 1779, could not, though exactly known, lead to a knowledge of its preſent diſtribution. For in all things, but eſpecially in war, there is a perpetual variation of circumſtances, and in the courſe of a whole year, the ſtations and the condition of every part almoſt of the army muſt have undergone great viciſſitude and alteration.

Lord G. *Germain.* Lord *George Germain* ſaid, that the ſituation and ſtate of the army in November 1779, accurately deſcribed, would give material information with reſpect to its preſent ſtate, as there were parts of the army, particularly thoſe forces that were ſtationed in Nova-Scotia and Penſacola, that were in the ſame ſituation now in which they were twelve months ago.

Col. *Barré.* Colonel *Barré* would not, in ſo thin a Houſe, try his ſtrength againſt that of the noble Lord. There were ſo few effective men in the Houſe, he ſaid, looking round him, that they ſeemed to have been a campaign in the Weſt-Indies. The ſtate of the army in America had been laid before the Houſe, on occaſion of the Convention of Saratoga in 1777, and he defied miniſtry to ſay that any bad conſequence had ariſen from that diſcovery; nevertheleſs, he would not diſpute the point with the noble Lord. He would come ſo far into his ſentiments, if the Houſe would give him leave to amend his motion, as to leave out that part of it which required an account of the diſtribution of the troops.

Sir *George Savile.* Sir *George Savile* laughed at the idea of refuſing to give an account of the diſtribution of the troops in America, leſt information ſhould be given to Mr. Waſhington, leſt Mr. Waſhington ſhould know more of it than the Houſe of Commons. Waſhington, he preſumed, needed no information on this ſubject. Sir George thought it reaſonable, that they who gave, or who were forced to give, ſuch exorbitant ſums of money, ſhould be very particularly informed with regard to the objects to which it was applied.

Colonel *Barré.* Colonel *Barré* acknowledged the juſtice of his honourable friend's reproaches. He might juſtly have ſtood on the ground taken

taken by the honourable baronet, on that ground the motion was defenſible. But, ſaid the colonel, I deſpaired of being able to bring gentlemen on that ſide of the Houſe over to it. My friend may try if he can.

Sir George Savile ſaid, he would not attempt it.

Lord *George Germain* ſaid, that whatever paſſed in the Houſe of Commons was known over all Europe, as well as to General Waſhington and the Congreſs. He did not want all the world to know the ſtate of the Britiſh army. Lord George Germain.

Colonel Barré's motion, amended as above, was carried nem. con.

Colonel *Barré* moved, that accounts be laid before the Houſe of all the loſſes ſuſtained by the army in North America and the Weſt-Indies by ſickneſs, wounds, deſertion, captivity, or otherwiſe, from the year 1774 to the 1779, incluſive, diſtinguiſhing the regiments on which they fell, and the places and occaſions on which they happened. A liſt of this kind had been laid before the Houſe in 1777; but it was incomplete, as there were no returns from the German troops. This motion was agreed to nem. con. Colonel Barré.

Colonel Barré moved, that accounts be laid before the Houſe of all the troops embarked for America, according to the embarkation returns from 1777 to 1780 incluſive. This motion was agreed to.

He likewiſe moved, that accounts of all the men raiſed and employed in the land-ſervice in Great Britain and Ireland, including twenty thouſand marines, in the years 1777, 1778, 1779 and 1780, the fencibles or militia of Scotland not being included, be laid before the Houſe. This motion was alſo agreed to.

Sir *Philip Jennings Clerke* moved, that the monthly returns of the army and militia, ſerving in Great Britain, for the preſent year, be laid before the Houſe. Sir Philip Jennings Clerke.

Lord *Beauchamp* ſaid that was impracticable, neither did the law require it. The honour of the commanding officer was reckoned ſufficient. The honourable gentleman's motion ſeemed to involve a diſhonourable ſuſpicion that ſome tricks were played in the militia regiments, if ſo, why did he not ſpeak out? But if he meant to ground in his motion ſome improvement, either in diſcipline or œconomy, let him mention it, and then go on with his enquiries. Lord Beauchamp.

Sir Philip replied, that he muſt firſt know from the returns whether any improvement was wanted.

Colonel *Barré* reflecting on the great ſtrength of the internal defence of this country, ſeventy-two thouſand men Colonel Barré.

last year, and eighty-three thousand this, considered Sir Philip's motion as calculated and intended not to betray the weakness, but to point out the military power, of Great Britain.

On a division of the House, Sir Philip's motion was negatived:

Ayes	——	15
Noes	——	53

The resolutions of the committee on the ordnance supplies were reported and agreed to.

Adjourned to December 4.

December 4.

The order of the day was for going into a committee of supply. Mr. Ord took the chair.

Lord *Lisburne*. Lord *Lisburne* opened the business, which he said was to vote the sum required by the navy estimates. He said, the admiralty had a right to claim some little degree of merit, for the great attention they paid to the navy, and the great facility which they gave to the service in its several applications. He admitted, that the expence, notwithstanding all their care, notwithstanding every possible prudent arrangement, and notwithstanding a most unremitting regard to the strictest œconomy in the management of the expenditure incurred by the navy, still amounted rather high; he trusted, however, when the nature of the war was considered, when it was considered what large fleets we had at sea, and for what remote corners of the globe the public service rendered it necessary that the admiralty should provide squadrons and vessels of different force, and when it was considered how little cause there was for real complaint of any kind, the expence would not be thought more than was absolutely requisite for the purpose, and that the propositions he should have the honour to make to the committee would meet with general concurrence. His Lordship then stated what had been the amount of the ordinary of the navy last year, and compared it with that desired to be voted for the present, assigning the reason why there was any difference, and at the same time pointing out in what that difference consisted. Having done this, his Lordship proceeded in like manner to open to the committee the amount of the estimates of the extra expence of the navy for the ensuing year, which he said consisted of three capital articles, viz.

The expence of ships and vessels building in the King's yards.

The

The expence of ſhips and veſſels building in the merchants yards. And

The expence of works and improvements now carrying on in the royal docks, &c.

The amount of the vote for the ordinary of the navy his Lordſhip ſtated to be 382,200l. and the amount of the extra ſervices to be 670,000l. and upwards, after deſcanting ſhortly upon each vote, his Lordſhip moved that of the ordinary in the cuſtomary manner.

As ſoon as it was read by the chairman,

Right Honourable *T. Townſhend* roſe, and declared, he was perfectly conſcious how unuſual it was for any man to ſay a great deal in objection to voting the ſums neceſſary for ſo popular a ſervice as that of the navy of England, in time of war. He did not mean to incur the odium that ſuch a line of conduct, he was aware, would draw down upon him, conſidering the preſent ſituation of the country, but it was from that conſideration, from a wiſh that the country might be done juſtice to, from a wiſh that the people might be ſatisfied as much as poſſible under the great burthens they ſuſtained, that they were not unneceſſarily taxed, and that the large ſums voted by committees of ſupply in that Houſe, were prudently and œconomically expended, that he had riſen in order to aſk ſuch queſtions as it became the duty of a good member of Parliament to aſk, and as the beſt members of that Houſe had at all times thought it right to put, when the queſtion before the committee of ſupply was a queſtion which went to burthen the ſubject ſo much as the preſent queſtion did He had moved for papers the other day, with a view to make himſelf ſufficiently maſter of the ſubject; to be able to know whether his ſuſpicions that the navy was unwiſely managed or not, were well founded or ill founded. The noble Lord who had opened the buſineſs of the day, had done it with that candour and fairneſs which always diſtinguiſhed his conduct in that Houſe, let the occaſion which called him up be what it might. He called therefore upon that noble Lord to inform the committee, how it happened that the preſent half-pay liſt of the navy was ſo large as it was. It time of war, gentlemen well knew, that in proportion as the public expence for actual ſervices increaſed, the half-pay liſt of the navy always decreaſed, and that head of expence grew leſs as other heads of expence grew greater. At preſent the half-pay of the navy was not leſſened, but it was uncommonly large. This was a proof that the old officers, thoſe who had ſerved in the laſt glorious war, were ſuf-

Rt. Hon. T. Townſhend.

fered to remain on half-pay, while new masters and commanders, and new captains, were daily created. With regard to the flag-officers, a matter equally extraordinary was obvious. Last war we had but about thirty admirals in the service; now there were upwards of sixty, and forty of that number had been created in the time of the present first lord of the admiralty. Out of the sixty admirals now on the list, not more than twenty were employed; and among them, only two of those who had served with so much honour to their country, and so much credit to themselves in the course of last war. Why was this? Why were such great and respectable names as Admiral Keppel, Lord Howe, Admiral Campbell, Admiral Barrington, and Admiral Pigot, suffered to remain on the half-pay list? This the country ought to know, and the cause ought to be removed, in order to restore spirit and unanimity to the navy, in order to give vigour, effect, and success to its operations. The cause why some of these respectable Admirals were unemployed, was certainly no secret. Two of them had served, and how had they been treated? They were obliged to quit the service, because they could have no confidence in the present administration! Feeling as they did, from their experience of the present ministers, it would be agreed by all the world, that they would be fit for Bedlam, if they again trusted them and accepted commands. He observed, that it was now the will of the present first Lord of the admiralty to employ those officers who had received promotion during his presidency at the head of the admiralty, as well flag-officers as captains, and masters and commanders, in preference to those who had gained their characters last war. As the papers were not before the House, he could not speak precisely as to the captains, and masters and commanders: he did not mean to complain, he knew there was not time to prepare them; but he should like to have been able to compare the list, and see whether, from the great number lately created, the greater proportion of those now in actual service were not selected. The only captain of last war who had been promoted, and was in actual service, was Captain Kempenfelt, now an admiral, who had been first captain on board the Victory to three commanders in chief. He had originally been first captain to Sir Charles Hardy; he next devolved on Mr. Geary, and late on Mr. Darby. Why he was so fortunate, and had been favoured with so high an honour, he was not able to guess; he had heard indeed, on all hands, that he was an excellent officer; but considering how few other officers of equal standing

ing had countenance under the present administration of the first lord of the admiralty, the case was certainly singular. When he said this, and when he called upon the noble Lord to state why Admiral Keppel, Lord Howe, Admiral Barrington, Admiral Campbell, and Admiral Pigot, were unemployed, he did not mean to cast the least reflection on any officers who were in service, others whom he had not the honour to be personally known to, he believed were equally objects of respect and esteem He thought their serving their country at this moment, a matter of great merit, and they had his sincere good wishes, he only desired, that all the ability of the profession might be exerted for the public good, and that by a due distribution of rewards and punishments, the ancient and noble spirit of the British navy might be revived and carried as high as it was last war, when all Europe saw the glory we had obtained at sea with wonder and with envy. He took occasion, in the course of his speech, to remark on the very extraordinary event of the campaign of 1779, declaring, that the people of England, after voting and providing sums uncommonly large, and beyond all precedent for the service of our fleet, had been witnesses to the shameful circumstance of the western squadron, the great home security of the country, flying up its own Channel, to avoid a foe of greater force in pursuit of it Was this a proof of the care of admiralty? Was this the testimony of their proper application of the sums voted for the navy, which the noble Lord alluded to? Besides, if common report was to be credited, if what almost every man one met was to be relied on, at this moment the western squadron were in the chops of the Channel, incapable of getting higher, and not daring to keep their proper station, because a superior fleet of the enemy was out, convoying a fleet of French merchantmen, &c to such ports as France had in the Channel. After dwelling a short time upon this, Mr Townshend concluded with a declaration, that he expected to have an answer to his questions

Lord *Lisburne* said, he was always ready to answer with the utmost candour and fairness, to such questions as he had it in his power to reply to. That with regard to Admiral Keppel, Lord Howe, and some other Admirals alluded to, he could only say, that one of them, with whom he had the happiness to live in friendship, had been with him that day, and had authorised him to declare, that he was willing to serve as second in command, upon any service, but that he did not chuse to accept of a command in chief. The reason they Lord Lisburne.

the admiral assigned, was, his Lordship observed, rather a proof his own modesty, than any thing else, the admiral having excused taking a command in chief, on the plea that his talents were not equal to it. Upon being called upon across the House, his Lordship said, he alluded to Admiral Barrington, who it was well known had been more than once pressed to accept the command of the western squadron. With regard to the other admirals alluded to, they from private motives, best known to themselves, had declined to serve. As to the half-pay list, his lordship said, he believed as many old officers, whose age, health and abilities would allow them to serve were in the service. In reference to flag-officers, he was pretty sure, (exclusive of those mentioned by the honourable gentleman, and whom he had already described as officers who from private motives, best known to themselves, declined serving,) that nearly all who were from the state of their health and faculties capable of being employed, were employed. And as to the promotions, of late years it had been a custom to promote the officers of the navy in general according to their seniority, unless in cases of extraordinary merit. Formerly, he believed, the custom had been to elect some and pass by others, which, except under particular circumstances, was surely a little unfair.

Mr B. Gascoigne. Mr. *B. Gascoigne* got up and said, as from his connection with the admiralty, it might at times be in his power to satisfy the House, he should always be willing to give the House information when he could do so. The noble Lord had omitted a part of the answer due to the honourable gentleman, relative to the large half-pay list, and that was, that all the captains upon the impress service, were still on the half-pay list. It therefore seemed as if less of the old officers were in actual service than there really were; since in all the great ports and towns the duty of the impress service was committed to captains, who, according to the rule of the service, received their half-pay as well as other pay: in small places lieutenants did the duty. Another part of the honourable gentleman's speech seemed to merit some notice, and that was, with regard to the report of our fleet's being in the chops of the Channel, not daring to keep their destined station, on account of a superior fleet of the enemy being at sea. Before he could credit this, Mr. Gascoigh said, he must have it well authenticated; at present he did not believe it, nor was he inclined to do so, 'till he should hear it in such a manner as spoke good information. But from his knowledge

knowledge of the bravery, zeal, and good wiſhes of the officers of the weſtern ſquadron now at ſea, he was perfectly convinced, that let the force of the enemy be ſuperior or not, the fleet of England, under its preſent commanders, would never juſtify an accuſation of ſkulking from its ſtation for fear of an enemy.

Mr. *Townſhend* expreſſed ſome ſurprize at what he had heard relative to officers on the impreſs ſervice, receiving both full and half pay. He alſo begged the committee to recollect that he had not uſed the term *ſkulking* in what he had ſaid relative to the preſent ſituation of the fleet of England, as report ſtated it to be, or of the motives which occaſioned that ſituation. He was exceedingly far from ſuppoſing, that the officers on board the fleet, would on any occaſion act in ſuch a manner, as to merit reproach. He therefore deſired it to be remembered that the pretty word *ſkulk* had been applied to the fleet by the honourable gentleman who ſat at the board of admiralty, and not by him. Mr *Townſhend.*

Mr. *Gaſcoigne* acknowledged that he had uſed the word, but he believed no man would ſeriouſly imagine, that when was ſpeaking in juſtification of the characters of the officers of the fleet, and in order to reſcue them from the poſſibility of a bad impreſſion operating to their prejudice, he could mean himſelf by any word of an undignified nature to fix reproach and diſgrace upon them. He had not picked his expreſſions, but had talked of the fleet's ſkulking, the more ſtronger to mark his ſenſe of their being incapable of ſuch conduct: perhaps if he had called it a diſcreet retreat, his expreſſion would have been more ſuitable. Mr. *Gaſcoigne.*

Lord *North* roſe to defend the admiralty from the ſuſpicions which he ſaid, he was ſorry to ſee the honourable gentleman, who ſpoke firſt in reply to the noble lord near him, entertained, under an idea that more maſters and commanders and more captains were made, than was neceſſary, or in fact that their promotions were mere election jobs. His lordſhip declared, if the entire liſt was referred to, the contrary would appear to be the caſe. That upon looking over thoſe promotions of the laſt year, which he had in his hand, this was evident. In the courſe of the laſt year, the greater part of thoſe promoted, at leaſt one half, were promotions made by the commanders in chief at ſea, who had a power of making poſt captains, and maſters and commanders, as occaſion offered. That this power had long been veſted in our naval commanders, but that the admiralty had done all they poſ- Lord *North.*

sibly could to restrain the abuse of it, and had lately in a great measure effected this by issuing an order, that neither any post captains, nor any masters or commanders, should be made by commanders at sea, excepting only in the two cases of death; and sentence of death, incapacity, or suspension, by a court-martial. From the list of the promotions of the last year it appeared, that a full half were promotions at sea, and that the other half were promotions of gentlemen who had done their country such very signal and eminent services, as made reward highly necessary, and would have rendered it a matter of censure and blame in the admiralty, had they passed the services over in silence, for which services the promotions were given. In order to satisfy the committee fully, his lordship read over the names of all that had been made post-captains and masters and commanders in the course of the last year, as well those promoted at sea, as those promoted by the admiralty. Among the latter, were the lieutenant of the Quebec, the lieutenant of the Serapis, the lieutenant of the Apollo several other officers who had greatly distinguished themselves, and the honourable James Luttrell, whom his lordship described as a very worthy and deserving member of that House. There was scarcely one, the mention of whose name and the ship he had belonged to, did not call to mind some glorious action, performed by the officer named, in the course of the present war.

Mr. Fox. Mr. *Fox* said, he thought it necessary to repeat what he had stated to the committee when they first took the navy supply into consideration on a former day, viz. that though he did not object to it, he acquiesced in it under an idea that it was generally understood that the late proceedings of the admiralty would be made the subject of an enquiry, and that the House would proceed to examine on a future day by whose advice it was, that his Majesty had conferred a post of distinguished honour and emolument on a person convicted of having preferred a malicious and ill founded accusation against his superior officer.

Lord Nugent. Lord *Nugent* spoke to order. His lordship with great earnestness, begged, for the honour and dignity of the House, that every matter which led to angry discussion, and personal abuse, might be avoided. He said, it was gentlemen suffering their good sense and sober judgment to be lost in the rage of party altercation, during the last Parliament, which had disgraced that House in the eyes of all the world. Did gentlemen consider, that every thing said within those

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walls was ſent abroad, was tranſlated, and was read by every man, foreigner as well as native, who could get at a common newſpaper. From the perſonal abuſe thrown out in the laſt Parliament, the inhabitants of other countries were led no longer to regard the members of that Houſe as the judicious, and grave repreſentatives of a great, a mighty, and a free people; they thought the Britiſh Parliament had loſt its honour and dignity, and that its ordinances and reſolves were no longer the reſult of that deliberation and coolneſs, which are the eſſential characteriſticks of national wiſdom and true greatneſs. He hoped to God, therefore, that gentlemen would, from a ſenſe of the honour and dignity of parliament, not convert that Houſe into a Poliſh Diet, and make the neceſſary qualifications of an orator within thoſe walls, not the beſt and moſt intimate acquaintance with the works of Cicero and Demoſthenes, but the greateſt proficiency and the moſt perfect ſkill acquired in the ſchool of Mr. Angelo and other maſters of defence. If matters went on thus, the whole ſcheme of political education would be turned topſy turvy, and that member only would in future be qualified to be firſt lord of the treaſury, who was the beſt fencing maſter in the kingdom.

Sir *Robert Smith* called Lord Nugent to order. He inſiſted upon it, that his honourable friend had not been diſorderly in what he had ſaid, and that the noble lord was not warranted in interrupting him. It was perfectly fair, perfectly in order (as his honourable friend had done) when a queſtion reſpecting the navy was before the committee, to go into a diſcuſſion of the rewards and puniſhments beſtowed on naval officers. It was not merely hulks of ſhips and guns that made the navy of England, it was the ſpirit and honour of the officers and the men, and when they were damped, the navy was ſure to be ruined. **Sir *Robert Smith*.**

Lord *Nugent* roſe again and ſaid, the only reaſon of his interrupting the honourable gentleman had been from an innate and moſt ſincere wiſh to preſerve that general peace, good humour, and temper, within thoſe walls, which alone could give dignity to debate, and aſſiſt the public buſineſs, in the eyes of Europe, by ſhewing, that the Britiſh Parliament was unanimouſly inclined to proceed in the war, and to forward its operations, however debates might ariſe as to the manner of doing this. He proteſted he had a very great reſpect for the honourable gentleman and for his extraordinary talents; but it was from a painful remembrance of what had **Lord *Nugent*.**

 already

already past, and a fear of similar consequences which might end more fatally, that he had interrupted him where he had. Let gentlemen consider, how important it was to preserve the honour and dignity of the House from such injury as it must ever receive, when matters were carried to the length that they had been carried to last year; exclusive of the less important, though very serious matter, the chance the House ran of having two of its members lose their lives. It was from these feelings that he had spoken before, and he hoped to God, what he had said, would meet with due attention.

Mr. Fox. Mr. *Fox* resumed his argument, and said, he had possibly, he was free to confess, in the heat of debate, frequently transgressed the orders of that House, and been often carried farther than he ought to have been; but if saying a thing deliberately, if saying a thing in cool moments, when nothing had happened in the course of a debate which could justify heat and betray a man into resentment, made it worse, or more wrong than it was at any other time, he, in defiance of that conviction, was ready now, seriously, deliberately, and coolly, to repeat what he had before said, and why?—Because he was conscious he was perfectly in order so to do, and he appealed to the committee whether he had given the least occasion for the noble lord, or for any other person to call him to order. Every word the noble lord had said referred to matters of a nature perfectly private, matters with which neither that House, nor any committee of that House, had any concern; matters which fell not within the scope of parliamentary debate in any sense whatever. He had said before, the very same words, and to the very same effect which he was beginning to repeat, when the noble lord interrupted him. If it had been wrong, if it had been disorderly in itself, it was as much so on the former day when he first mentioned it, as it could be now, and the former day, in that case, would have been the time to have called him to order upon it. He had before avowed, and he begged leave now to repeat the avowal, that he never in that House meant any thing personal; he never said a word, which any man had a right to take as an affront to him as a private gentleman, because he never said a word which was intended to carry any such import; as well might the noble lord in the blue ribband say when he was arraigning his public conduct as a minister, that he was affronting and insulting him as a man. The noble lord knew parliamentary or-

der better, the noble lord, he ſaw, had looked to the motion when he had been called to order, and had not the noble lord's good ſenſe and judgment told him that he was ſpeaking ſtrictly to the queſtion, and that he was not diſorderly, the noble lord would undoubtedly have riſen himſelf to have called him to order: he therefore ſhould purſue his ſubject, and he begged once for all, gentlemen would hold in their minds, that he never would be deterred from ſpeaking his ſentiments fully and freely in that Houſe, by any dread of conſequences perſonal to himſelf, conſequences which it would be madneſs for him to wiſh to incur, or for any man to take pains to draw upon himſelf. It was therefore in ſtrictneſs of duty to his conſtituents, in conformity to his duty as a member of parliament, that he recurred to what he had before ſaid, and for this good reaſon, which his honourable friend near him had ſuggeſted, that it was not merely ſails and maſts, rigging, and hulks; it was not merely yards and timber, that made the navy of England; it was the ſpirit and high ſenſe of honour of its officers; a ſpirit and a ſenſe of honour which could not exiſt, but under a proper adminiſtration of juſtice in the admiralty, by a proper diſtribution of rewards and puniſhments. How then was the navy to be expected to flouriſh, when the perſon convicted of having preferred a falſe and malicious accuſation againſt his ſuperior officer, and who was barely acquitted when tried by a court-martial, upon charges exhibited againſt himſelf, was promoted to a poſt of diſtinction, of honour, and of profit; and here he begged leave to ſay, he did not blame that perſon; it was the firſt lord of the admiralty, the Earl of Sandwich, who was alone to blame, who ought to be made the ſubject of that Houſe's enquiry! What had been ſaid formerly, when the accuſation was firſt preferred againſt his honourable relation, Admiral Keppel, but that the accuſer was the inſtrument, the admiralty were the principals? It was they who ſuggeſted, who prompted, who ſpurred on the accuſation? It was attempted to be denied on the part of the admiralty; but what would men ſay to it now, when the accuſer, after being pronounced by the ſenſe of one court-martial, a falſe and malicious accuſer, and being barely, not honourably, acquitted by another, was rewarded with an office of high honour, of great emolument! What had been the accuſer's own ſenſe of his conduct immediately after the firſt ſentence was pronounced? Had he not abdicated his ſeat in parliament? Had he not reſigned his ſeat at the admiralty-

 board?

board? Had he not, to borrow a phrase from an honourable gentleman, who spoke early in the debate (and for which he thanked him) made a discreet retreat from public notice? His honourable friend below him had asked, why was not Admiral Keppel, Lord Howe, and others employed? His honourable friend, from a lapse of memory only, had, he was sure, omitted to mention the name of another great officer, who ought undoubtedly to have been employed; he meant Sir Robert Harland? But the motives why these great officers refused to serve, were obvious; they were not, as the noble lord had termed them, private motives, they were public motives. The reason was, they could not serve with confidence or with safety, under an administration guilty of convicted falsehood, and guilty not merely of notorious but of recorded treachery! This was the reason, the true, the only reason! There were certainly in the service several very worthy and very respectable officers; men, who having no situation, like that of his honourable relation, had not the same risque to run. Men who had no parliamentary connections, no connections which rendered it, in their opinions, likely that ministers should endeavour to ruin them. They had his applause and his thanks, for serving, as heartily as that of any other member of parliament; as heartily as he gave his applause and his thanks to Sir George Rodney, to whom he had so repeatedly declared, and with sincerity declared, that applause was eminently due. But still no man that wished well to his country could avoid lamenting that it was impossible for the great and distinguished characters alluded to by his honourable friend, and alluded to by him, at this moment of exigency to serve their country; every man that wished well to his country, could not but most anxiously endeavour to remove that only bar to their service, the present administration! It was, he confessed, the wish of his heart, his constant endeavour, to do his country that essential service, and therefore it was that he hoped after the holidays, the sentence of the second court-martial, which had been refused before, might be moved for, when he would move a question for an enquiry into the conduct of the Earl of Sandwich, and he made no scruple to say, that his first and principal motive for it, was, that the first lord of the admiralty had promoted to a post of distinguished honour, an honourable gentleman who had been convicted by a court-martial of having preferred a malicious and ill-founded charge against his superior officer; his secondary motive was, because that the honourable gentleman

tleman so promoted, when tried by a second court-martial, before whom charges had been exhibited against him, had been not honourably but only barely acquitted. Mr. Fox concluded, after more observations and assertions, with saying, the enquiry was essential to the public, and essential to the navy, and that it ought to be brought on as soon as possible after the holidays.

Lord North. Lord *North* said, that as the honourable gentleman had suggested, whenever an enquiry into the conduct of administration was brought on, either on the present grounds, or on any other, he would not undoubtedly attempt to parry it by a call of order, by taking refuge under any form of the House, or by any shift of the question whatever. With regard to the present threatened enquiry he cared not how soon it was brought on; the sooner the better; he was ready to meet it fully and frankly, to join issue upon it with the honourable gentleman, and go into an investigation of the merits without reserve. The honourable gentleman had declared he rested his reasons for thinking an enquiry necessary, in the present case, principally on the sentence of the court-martial which tried Mr. Keppel, and in which sentence the person who preferred the charges against Mr Keppel, was pronounced a false and malicious accuser; as the honourable gentleman meant to bring on an enquiry, he would not go into a very ample discussion of that point now, he would only say shortly, what he had before said more at large, and should say more at large again; the court-martial was convened for the purpose of trying Mr. Keppel, and not Sir Hugh Palliser; the court-martial had a regular charge submitted to their consideration and decision against the one, they had no charge whatever before them against the other; in pronouncing therefore sentence upon the motives of the accuser, they had exceeded the line of their jurisdiction, and had condemned a man unheard, who had no opportunity of trial, no opportunity of entering upon his defence. With regard to the main cause upon which the honourable gentleman had declared his eagerness for an enquiry, viz. the having given Sir Hugh Palliser, accused as he was by the sentence of Mr. Keppel's court-martial, the government of Greenwich Hospital, he was ready to avow his share of the measure, and to defend and support it in that House, or wherever it should happen to be agitated. The honourable gentleman had principally dwelt upon the sentence of the court-martial, and had termed the words of the court-martial which

which tried Sir Hugh Pallifer, a bare acquittal. He faw the matter in a very different point of view, and he read the fentence under a widely different conftruction. What were the words of the *former part* of it?

"That the court having taken the whole of the evidence into confideration, both on the part of the profecution as well as in favour of the prifoner, were of opinion, fo far from the conduct of Sir Hugh Pallifer, Vice Admiral of the Blue, being reprehenfible on the 27th and 28th of July, that in many parts thereof, it appeared exemplary and highly meritorious."

If he underftood the meaning of the word meritorious, according to its true acceptation, it was, that an officer whofe conduct had been declared, after a moft ftrict enquiry into it, to have been highly meritorious, was an officer who deferved reward; and that exemplary conduct meant fuch conduct as was a proper example for other officers to follow, and a fit object for imitation. Under this, which appeared to him to be the true and natural reading of the fentence, Sir Hugh Pallifer was undoubtedly an object of reward, and after his conduct had been declared highly meritorious and exemplary, adminiftration would have been criminally neglectful not to have given him reward; this, his lordfhip emphatically declared, was his opinion of the cafe; he avowed it fully, and he was ready to ftand or fall by it.

Let gentlemen recollect the peculiar circumftances that made Sir Hugh Pallifer's acquittal more than commonly honourable to him? Let them call to mind the art that was ufed to fet the public in a flame againft him previous to his trial, the great pains that were taken to run him down, to render him the object of univerfal indignation! Let gentlemen alfo call to mind, what was the language of even the other fide of the Houfe on the fubject of his impending trial. What had been faid by an honourable gentleman, not at prefent in the Houfe, but who, his lordfhip declared, he underftood was foon to come among them again? A gentleman of great eloquence, and of more than ordinary humanity and benevolence of heart! "Don't fend Sir Hugh Pallifer to his trial! For God's fake have mercy; men's minds are fo enflamed againft Sir Hugh, that his judges cannot furmount their prejudices. If you fend him to trial now, let him be either innocent or guilty, you fend him to certain death." When this language was recollected, furely every difpaffionate man, every impartial reader of the fentence, would

would regard it under the circumstances in which Sir Hugh Palliser went to trial (for it was notoriously at his own request, and on his own repeated application, that he was tried) as an acquittal which did him the highest honour, and which it was the duty of the king's ministers to pay proper attention to, and to follow with reward and honour.

With regard to the sort of reward that has been bestowed on Sir Hugh Palliser, his lordship said, he was a little astonished to hear that called in question, after what had been said previous to the second court-martial, by the same honourable gentleman, to whose speech in that House he had before alluded. That gentleman, with his usual benevolence, had "earnestly recommended it to ministers, to apply to his Majesty to bestow upon Sir Hugh Palliser, for his long and meritorious services previous to the 27th of July, an ample annuity or pension;" and this request he had pressed with all the force of his eloquence. How happened it then, that the tone was so different at present, when, if he recollected rightly, the government of Greenwich Hospital did not make a greater addition to the honourable admiral's income, than about 600 or 700l. a year, his half-pay, as a Vice Admiral, ceasing, from the hour of his promotion to Greenwich Hospital?

The honourable gentleman had used some very fine words against administration, words which certainly were very strong; but unfortunately there was not the least truth in them. Speaking of those officers who refused to serve, and who had been enumerated, he had said, the reason for their declining to serve was, "they had no confidence in administration, guilty of convicted falsehood and of recorded treachery." These expressions were certainly sounding, but to what did they apply? In what did the falsehood and treachery of administration consist? An honourable gentleman who spoke early in the debate, had said, that Admiral Keppel and other officers, whose names had been mentioned, would be thought fit for Bedlam, if they served under the present ministry; now if it were possible that the present ministry stood guilty of convicted falsehood and recorded treachery in the eyes of those gentlemen, it was surely equally fair for him to say, that the present ministry would be fit for Bedlam if they employed those admirals; and that if they did, knowing their want of confidence in administration, they ought all to be sent to Bedlam together; but would the honourable gentleman say, that the having given the office of

governor of Greenwich Hoſpital to Sir Hugh Palliſer, had operated in Admiral Barrington's mind, and induced him to decline the ſervice. If that was the honourable gentleman's deduction, he muſt contradict it, Admiral Barrington having agreed to ſerve ſince that promotion took place. Upon its being ſaid acroſs the Houſe by Mr. Fox, "I uſed no ſuch argument," his lordſhip ſaid, "I thought the honourable gentleman had; if he did not, I have only thrown away ſo many words."

His lordſhip, in the courſe of his ſpeech, aſſerted very fully, that if blame was due upon Sir Hugh Palliſer's promotion to Greenwich Hoſpital, it was not ſolely imputable to the Earl of Sandwich; as firſt Lord of the Admiralty, that noble lord had undoubtedly the tranſaction to manage oſtenſibly, but no meſſage had been carried to his Majeſty upon the ſubject, before the whole buſineſs had been conſulted and conferred on by others of his Majeſty's miniſters; he was one conſulted; he adviſed and acceded to the meaſure, as well as his brethren in office; he made not the leaſt ſcruple to avow it; he had ſtated generally his motives for having ſo acted; he was conſcious of having acted a becoming part, and from that conſciouſneſs he was ready to meet any enquiry upon the ſubject, and he wiſhed that enquiry might be ſoon inſtituted.

Sir *Hugh Palliſer*. Sir *Hugh Palliſer* roſe, and began with a declaration that the honourable member in his eye [Mr. Fox] had given him abundant cauſe for calling him to order, had he choſen to do it, but that he had ſat a patient auditor, that the honourable gentleman might know he was not afraid to hear any thing he could ſay of him, at any time, in any place, or on any occaſion. Such attacks as the honourable gentleman had now thought proper to make on him, he underſtood had been frequent in that Houſe, while he was abſent, and incapable of defending himſelf. The manlineſs of ſuch conduct he left to the conſideration of others, but being aware of his own imperfections, knowing how unqualified he was to ſpeak in public, both from want of cuſtom and want of ability, and expecting that the virulence which dictated former attacks would occaſion a renewal of them that day, he had committed a few thoughts and obſervations to writing, which he truſted the Houſe would grant him permiſſion to read, as ſome defence of the moſt injured character in the kingdom.

To the noble Lord [Lord North] who ſat near him, he thought himſelf highly indebted, for the handſome and very able

able manner in which he had supported his cause, and controverted the arguments of his enemies; to the noble Lord, therefore, some apology was due, for the similarity to his speech, that would appear in parts of the manuscript he was about to read, which having been drawn up before he had heard the noble Lord, would undoubtedly strike the hearers, as containing somewhat of the same chain of reasoning.

After this exordium, Sir Hugh began to read a long speech from written notes. He began with stating, that he felt the less wonder at the misconception of the public, as to the motives that impelled him to prefer the accusations against Admiral Keppel, which had made so much noise, and loaded him with so much misfortune, because he never had explained them himself. When the proper opportunity offered for justifying himself, he had endeavoured to profit by it, but it had been witheld from him. Since that time, various reasons had co-operated to induce him, great as the sacrifice was, to remain a silent sufferer, rather than to encrease the popular discontents, by attempting to oppose a party too powerful for him to contend with, under any expectation of success. It was not now his desire to give fresh rage to popular phrenzy; but not to say something in his own defence, he conceived, would be considered as a tacit admission of that baseness and criminality, which had been so cruelly, so falsely, and so unjustly, imputed to him, both within doors and without.

The justification of himself, and the defence of the motives upon which he acted, in preferring the accusation against Admiral Keppel, had been committed to paper, and tendered by him in person to the court-martial which tried the admiral, immediately after he had declared, he had closed the evidence he meant to adduce in support of the accusation. The Court seemed inclined to admit it, but Admiral Keppel denied his right to make any comment upon the merits, and said, he would oppose it to the last minute. After some conference between the members of the court-martial, Admiral Montagu said, "when the witnesses in support of the defence were all examined, he should be ready to hear every thing the prosecutor had to say." This declaration was apparently acquiesced in by the rest of the court, and therefore Sir Hugh declared, he was misled into an idea that he should be fully heard; in consequence of which he abandoned a design he had formed of quitting the court immediately upon their denial to admit his paper (of the contents of which they were

altogether unapprized,) and of protesting against the irregularity of their proceedings, of which their conduct had furnished him with various instances. For the ascertainment of the words of Admiral Montagu, Sir Hugh said, he was indebted to the admiral's own account of the trial, the words having been, by order of the court, expunged from the judge-advocate's minutes published by authority of the court. Having waited till Admiral Keppel had declared his evidence closed, Sir Hugh said, he again offered to address the court with some observations, but that Admiral Keppel again resisted the endeavour, and the court, although one of its own members [Admiral Montagu] had promised he should be heard when the evidence for the defence was closed, resolved not to hear him; and three days afterwards delivered their judgment, by which, contrary to all justice, the accused was acquitted, and the accuser convicted without a trial, and without being heard, either in explanation, or justification of the motives upon which he had grounded his accusation.

After a few words upon this part of the conduct of Admiral Keppel's court-martial, Sir Hugh said, extraordinary as these proceedings were, it was on the ground of these proceedings only, that the honourable gentleman, who spoke lately, had so frequently attacked him, and had given notice to the House of his intention to pursue him still further, to impeach one of the King's ministers, and give the final blow to his destruction. Before, however, any honourable gentleman ventured to go so great a length, he might possibly think it convenient to consider the difficulty of the task he was about to undertake, and to weigh well the probability of his success. On a deliberate view of the whole matter, he flattered himself it would be felt, that whoever made the attempt, would have so many strange assertions to support, so many embarrassing propositions to maintain, that it would not be an easy matter to discover a member of that House sufficiently confident to venture upon the task. In order to give some idea of these difficulties, Sir Hugh begged to ask the honourable gentleman, opposite to him, a few questions. Would the honourable gentleman say that it was consonant with justice to deny an accuser the right to reply to a defence criminating himself? Would he assert, that where, in the course of a public trial, there were two accusers, it was fair to hear only one? Would he maintain, that when a person accused defends himself by recrimination, it was either just or candid to refuse to hear his prosecutor,

fecutor, in reply to that part of the defence which was founded on recrimination? Would he agree, that it was confonant with conftitutional ideas of law and juftice, to acquit the accufed after a trial, and to condemn the accufer without a trial and without hearing his defence? Had the honourable gentleman forgot, that fince the Revolution, the twelve judges had figned a paper, declaring their unanimous opinion that it was the undoubted right of a profecutor, in cafe of high treafon, to reply after a defence, and had the honourable gentleman forgot that Chief Juftice Holt was one of the twelve? Was the honourable gentleman prepared to fay that the volumes of State Trials did not abound with frequent inftances of the exercife of this right, not merely in cafes of high treafon, but equally in cafes of trial of offences of the higheft, the middle, and the lower order: equally in cafes of mifdemeanor, felony and treafon? Was he ready to controvert the fact, that the late chief juftice of the common pleas, when folicitor general, exercifed the right in queftion, againft a noble lord now living; and the ftill more recent fact, that the prefent chief juftice of the common pleas, when folicitor general, apologized in court for not exercifing the fame right on the trial of the Duchefs of Kingfton? Had the honourable gentleman forgot, that in the cafe of Mr. Horne, the right was challenged by the defendant; that the Court declared it would not bear an argument, and that the prefent lord chancellor, at that time attorney general, was allowed to reply, although no witneffes had been examined by Mr. Horne, with a view to preclude a reply on the part of the crown? Would he deny, that during the laft Parliament, a member of that Houfe, who had preferred a very ferious charge againft a noble lord near him, had been indulged with replying to the defence made by the noble lord? Would he deny, that in all land courts martial, the judge advocate, or whoever appeared and acted in the character of profecutor, always replied to the defence? Would he deny, that in naval courts martial the practice was common for the accufer to fpeak to the merits? Would he deny, that Admiral Knowles, when he brought his captains to trial, exercifed this right? Would he deny that Admiral Knowles's captains, when they complained that their commander had endeavoured to fhift the blame due to himfelf upon their fhoulders, and demanded a court-martial upon him, were allowed to exercife this right without the leaft objection on four fucceffive trials? In cafe of an impeachment of a minifter, would not the honourable gentleman think the managers of that impeachment in the

Houſe of Lords, had great reaſon to complain, if they were denied the right of replying, and were reſtricted ſolely to the examination of their witneſſes? Would he deny him the right given him by that chapter of Magna Charta, by which it was declared that no Engliſhman ſhould be ſeized, or impriſoned or deprived of his liberty, his property, or his good name, without trial by his peers; and laſtly, if the honourable gentleman ſhould ever himſelf be ſo unfortunate as to be declared in that Houſe a falſe and malicious accuſer, would he not think it hard, to be deprived of the advantage that muſt naturally reſult from the uſe of his eloquence (which had ſo often charmed the Houſe, and ſo often attacked and defended others) in his own juſtification.

After ſpeaking for ſome time in this manner, he drew a picture, as he called it, of the ſituation which Mr. Fox would be in, ſhould he, after denying him that juſtice to which every Engliſhman by the conſtitution of his country, and the humane ſpirit of its laws was entitled, ever be overwhelmed by a ſimilar preſſure of misfortune. He reminded him of the uncertainty of human affairs, the ſtrange viciſſitudes which every man is born to undergo, and which in the moſt unexpected moment often reverſed a man's fortune, and from the topmaſt round of honour and ſucceſs, plunged him into the loweſt depth of miſery and misfortune. After bidding him a ſecond time take notice that he had warned him, Sir Hugh changed the mode of his reaſoning, and ſaid, that inſtead of the *argumentum ad hominem*, he would adopt the *argumentum ad homines*, and ſaid, if the honourable gentleman, notwithſtanding his warning, ſhould be hurried away by the rage of party, by his zeal for the admiral, by his hatred to him, by his attachment to the cauſe in which he was engaged, or by any other motive, and ſhould perſiſt in declaring him to be a falſe and malicious accuſer; nay even if his committee of ſafety ſhould publiſh their aſſent to ſuch a mockery of truth and juſtice, he would rely with confidence on the wiſdom and equity of Parliament, and comfort himſelf with the aſſurance, that the Houſe would ever protect the innocent, and diſtinguiſh between the oppreſſed and the criminal!

Sir Hugh next ſaid that he muſt claim the attention of the committee to ſome general remarks upon the reſpective conduct of Admiral Keppel and himſelf, relative to the two courts martial, and the motives and manner of that conduct. He began

gan this part of his argument with saying, that he deeply lamented the late dissentions and divisions in the navy, and that he was as willing as any man to sacrifice his private feelings to the public quiet; but there were some injuries which neither he, nor he imagined any Englishman, could think it fitting or beneficial to the public interest, to suffer patiently. Of this nature was the cruel advantage which had been taken of that part of the sentence of Admiral Keppel's court-martial, by which he was declared a false and malicious accuser; of the ill foundation of the censure passed upon him by that sentence he had already spoken on more than one ground, though the incompetency of the court to try him, much more to convict him without trial, was a sufficient invalidation of that part of the sentence which respected him. If Admiral Keppel's friends were determined to persist in their persecuting spirit, and drive him out of his profession, he must in his own defence go into an explanation of the motives of his conduct, and of the grounds upon which he had proceeded, in preferring the accusation;----an explanation which might possibly render the Admiral's acquittal somewhat less splendid and less honourable. This, however, was not what he wished to do; he was willing to close the scene, for the sake of national quiet, and would forget past injuries, if his enemies would abstain from new provocations.

With regard to the two trials of Admiral Keppel and himself, he maintained, that they were so nearly correspondent in their events that no man could detract from the innocence of one party tried, without impeaching the innocence of the other. Both had been accusers, both had been accused; both had been tried, both had been acquitted. In their fates, there was not the least difference, and if their motives were different, he trusted that his would be found to be the least exceptionable, when candidly examined. He was aware he had been censured for having recriminated, but was recrimination in no case justifiable? He did not prefer his charge till it was evident that it was the design of Admiral Keppel's friends to ruin him, and by undermining arts to effect that ruin. In his own defence he became an accuser, and when he did so, he did it openly and directly, in the character of a public prosecutor. Admiral Keppel chose a contrary line of conduct; he began with suggestions and insinuations, and to the last never would, though repeatedly solicited, prefer a public charge, but appeared as an evidence against him, thus

uniting

uniting the double character of accuser and witness. After arguing this for some time very forcibly, Sir Hugh declared what his original opinion of the conduct of the Admiral on the 27th of July was. He said, he had ever considered, that the British fleet were led into action in a disorderly manner at first. That in the beginning of the day, there was too much confidence, too much contempt of the enemy; towards the close of it, too much awe, too much diffidence in themselves. That they kept at too great a distance, and acted with too much confusion. Immediately on the day of the action, his friendship and regard for the Admiral, the remembrance of his former services, and his great name in the world, inclined him to ascribe his conduct to error of judgment, to ill-health, to ill-advice, in short, to any thing but to criminality. That seeing matters in this light, though he did not think the business of the day merited his approbation, he had rigidly abstained from censure, secret surmise, and underhand detraction. Nor had he at all changed his opinion, or viewed Admiral Keppel's conduct in the harsh light in which it was exhibited in his accusation, till he was forced to consider it in a very different point of view from that in which he was at first inclined to regard it. At present, he had no wish to alter that part of the sentence of the first court-martial, which acquitted Admiral Keppel; he might err in his judgment, as to the validity of his charges, it was the justice of his motives alone that he insisted on. Admiral Keppel's friends might load him with honours, they might celebrate his acquittal with votes of Parliament, with public illuminations, with city boxes, with triumphal columns, and they might commemorate the day of his acquittal as an anniversary. He only begged them to desist from attacking him, from loading him with unmerited invective, from deeming him to be, what he never had been, nor ever would be, a false and malicious accuser!

Sir Hugh wound up his argument with contrasting the different circumstances under which he and the admiral went to their respective trials. The admiral had all the prejudices of the nation on his side, he was supported by the whole weight of opposition, and secretly assisted by many, who publicly avowed themselves the friends of government. Previous to his trial an act was obtained for trying him on shore, contrary to all precedent, and during his trial, he was kept in countenance by the presence of the leaders of the

opposition

opposition in both Houses. On the contrary, before he went to his trial, he was menaced for desiring one, and every means were used to prevent it from taking place. The public were inflamed against him by the vote in favour of Admiral Keppel, and he was rendered the object of general odium, by every possible art that could promote such a purpose; even his judges were attempted to be prejudiced against him. Under all these disadvantages, therefore, Sir Hugh said, he considered his acquittal as the most honourable circumstance of his life, and he flattered himself, if the House should think an inquiry into the two courts martial necessary, he should not, when that enquiry was over, if it were fairly gone into, be deemed a false and malicious accuser.

Admiral *Keppel* said, he could not sit still after what had passed; he must rise and say a few words on the occasion, but they should be only a few. He would not follow the governor of Greenwich-Hospital (by which name in future he would always call the honourable gentleman, and by no other): he would not follow the governor of Greenwich-Hospital through his long detail; it was unnecessary. With regard to the act for trying him on shore, he thought himself highly indebted to the House for their humanity, and he should ever remember it with the warmest gratitude; in the condition, in which he then was, had he not been tried on shore, his life, let the sentence have been what it might, would have paid the forfeit; he could not have survived it; he was sure he should have died. The governor of Greenwich-Hospital, as well as he, had been tried. Upon the sentence of the two courts martial he stood, and by their judgments he would abide. One of them had acquitted him honourably, and had deemed the governor of Greenwich-Hospital a false and malicious accuser. He knew as little as the governor of Greenwich-Hospital, perhaps less, what the sentence would be before it was delivered. Had it been possible for him to have suggested the wording of it, false and malicious were the terms he should probably have applied to the accusation, because those terms best expressed his sense of it. What the idea of the governor of Greenwich-Hospital was, relative to the accusation, and relative to the sentence, previous to the delivery of the latter, he knew not, but he remembered, that the governor of Greenwich-Hospital was out of court, and did not stay to hear the sentence. He had the utmost reverence for the wisdom and justice of his judges Admiral Keppel.

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—the utmost gratitude for the favours of that House, and for the applause of his country. The governor of Greenwich-Hospital had attacked the impartiality of the one, and questioned the good sense of the others. The greatest part of the long detail read to the House by the governor of Greenwich Hospital was composed of arguments against the competency of the court-martial by which he was tried, and against the fairness and regularity of its proceedings. Those proceedings were before the public; every man was capable of judging how far they were liable to challenge or to question, but there was but one way of coming at the motives which influenced the court-martial, and occasioned the sentence to be worded as it was; to that one way he had not the slightest objection. "Absolve the members of the court-martial from their oath; call them to the bar of the House, and enter into a full and free examination of every one of them." To this he was ready to consent, and by this means, and this only, could the real impulse which directed their conduct be discovered. The governor of Greenwich-Hospital had termed him an accuser; he never had been an accuser; it never had entered into his head to accuse the governor of Greenwich-Hospital. He did not entirely approve his conduct; but the governor of Greenwich-Hospital being his inferior officer, he thought he could at any time, as he had before said in that House, put him by with a fillip. In part of the detail read by the governor of Greenwich-Hospital, a great many menaces were thrown out by way of coming to terms; and it was threatened that if Admiral Keppel's friends did this, or that, or the other, then the governor of Greenwich-Hospital would do so and so. Admiral Keppel's friends were out of the question; Admiral Keppel was present to answer for himself; and Admiral Keppel would never accept of any compromise offered by the governor of Greenwich-Hospital. Admiral Keppel's conduct was before the public, they would judge of it, and draw their own inference respecting it. With regard to any future enquiry, he was ready to meet it; he had gone through one trial with honour, and he did not doubt but he should come from a second equally clean and unsullied, but for the future he begged the House to know, once for all, that he should not hold himself bound to reply to any thing said by the governor of Greenwich-Hospital; it was in his opinion indecent to take up the time of the House with his private concerns and altercations. He stood on public

ground, and that was the light in which he had always considered himſelf. The ſingle thing he had to reproach himſelf with was, his letter to the admiralty immediately after the affair of the 27th of July. That letter did not contain the real ſentiments of his heart. His ſecretary knew what he ſaid to be true; his ſecretary was ready to take his oath in any court in the kingdom that the letter which he firſt wrote, and that which he ſent to the admiralty, were widely different. The firſt contained his genuine ſentiments, dictated by thoſe feelings which aroſe from an immediate conviction of the conſequence of the governor of Greenwich-Hoſpital's conduct. The ſecond gave him more trouble than any matter he had ever engaged in. His friendſhip, his good nature, the regard which he then had for the governor of Greenwich-Hoſpital, his opinion of that officer's gallantry, all got the better of his juſtice, and the truth was, after altering and altering the letter, he made a ſad piece of work of it; he could only ſay, he would never fall into a ſimilar error.

The admiral ſaid farther, that before he had heard the ſpeech of the noble Lord in the blue ribbon, and the long detail read by the governor of Greenwich Hoſpital, it was his intention to have ſaid ſomething relative to the immediate buſineſs of the day. What had fallen in the courſe of the debate had drawn his attention another way. With regard to what had been ſaid by his honourable relation near him, relative to the convicted falſhood and the recorded treachery of the firſt lord of the admiralty, he believed the firſt lord of the admiralty was ſo far liable to the imputation, that he was capable of being guilty of juſt as much treachery as any man could practiſe without rendering himſelf liable to a trial in a court of law, and incurring a legal puniſhment. This opinion, though juſtified by perſonal experience on his part, was by no means a new idea. His honourable relation near him had, in conſequence of his entertaining this idea, cenſured him for taking a command under the preſent adminiſtration, when he, from a wiſh to ſerve his country in an hour of difficulty, which ever had, and ever would weigh with him above all private or perſonal conſiderations, engaged to go out on board the Victory. His honourable relation had told him in direct terms, that the admiralty board was not to be truſted, that the preſiding lord would firſt deceive and then betray him. His honourable relation's advice he had originally paid leſs attention to, than he generally did, to every thing which came from the ſame quarter; he

imputed it at the time, partly to overzeal for his honour and his intereſt, and partly to want of ſufficient confidence in thoſe under whom he was to be employed. Experience however had proved it to be true, and whatever colour the admiralty might artfully have contrived to put upon their conduct hitherto, what had paſſed in the Houſe that day, would open the eyes of the public, and ſhew the fact as it was. An honourable friend of his, had ſpoken early in the debate, and aſked, why were not certain admirals whom he had mentioned by name, employed? He was ready to join in the ſame queſtion. As to himſelf, he thanked his honourable friend for the reſpectful manner in which he had alluded to him, but his ſerving again under the preſent adminiſtration was out of the queſtion; it was impoſſible: but he could not but aſk why Sir Robert Harland, and other officers, men every way his ſuperiors in profeſſional ſkill, were unemployed. He meant neither diſreſpect nor diſparagement to thoſe on board the fleets; many of them he knew to be brave worthy men, but without naming particular perſons, he would take upon him to ſay, that there were abler officers now on ſhore than at ſea, and he challenged the whole board of admiralty to controvert the aſſertion; he would enter upon the compariſon immediately, and would undertake to pair them, if his challenge ſhould be accepted.

The Hon. *John Townſhend.* The Honourable *John Townſhend* roſe immediately after Admiral Keppel, and ſaid, he was at a loſs to determine in what light he was to conſider the long manuſcript read to the committee by the vice admiral oppoſite to him; at one time he had been induced to regard it rather as an addreſs than a ſpeech, but then, though clearly it was not the latter, it did not directly fall within the deſcription of the former; of ſuch addreſſes at leaſt, as generally were ſent up to St. James's from that Houſe in anſwer to a ſpeech from the throne; all thoſe addreſſes were entitled humble addreſſes, an epithet, which certainly had no relation either to the matter read to the Houſe by the vice-admiral, or the manner, in which that matter was recited. Again, an addreſs of the Houſe in anſwer to a ſpeech from the throne, was generally conſidered as an echo to the ſpeech; now the vice-admiral's addreſs was clearly written previous to his honourable friend's [Mr. Fox's] ſpeech of that day, to which, by the vice-admiral's introductory words he meant it to apply. It could not therefore be conſidered as an echo to that ſpeech, unleſs it was admitted under an Iriſh conſtruction, and was allowed

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to be an echo to a ſpeech before it was made. He was perſuaded, however, that had the vice-admiral heard his honourable friend's ſpeech, or known what he meant to ſay upon the occaſion, previous to his having his addreſs committed to paper, the addreſs he had read would not have been the reply he would have thought fit to make to his honourable friend's argument. The vice-admiral's conduct had ſurprized him extremely, nor could he ſolve it by any of the common rules of reaſoning; his honourable friend, in anſwer to the very extraordinary interpoſition and interruption which the Houſe had witneſſed, had declared his intention of exerciſing the freedom of debate in its true ſenſe, viz. that of avoiding perſonal offence, and at the ſame time of ſupporting and maintaining the undoubted right of every member of that Houſe, to diſcuſs matters of public authority, matters of public record, without reſerve. He for one, cordially and heartily ſubſcribed to this doctrine, and he meant, in his future parliamentary conduct to adhere to it in its fulleſt extent. The trials of Admiral Keppel and Sir Hugh Paliſer, and the reſpective ſentences paſſed upon thoſe two officers, were matters of public record, and as ſuch, he ſhould, without meaning to offer the leaſt perſonal offence to either, advert to with the utmoſt freedom as often as the ſubject ſhould come under diſcuſſion either within thoſe walls or without doors. When, upon referring to thoſe ſentences, he ſaw that one admiral was moſt honourably acquitted, and the other declared a falſe and malicious accuſer, he thought himſelf warranted, to adopt the words of either ſentence, and to quote them on any occaſion without queſtion, becauſe he had always underſtood that matters of judicial record, were matters of public converſation, and that every man might advert to them in what manner he thought proper. Conſidering the whole of the caſe as it ſtood, he could not, he repeated it, ſuppreſs his aſtoniſhment at the language held by the governor of Greenwich Hoſpital. Had the honourable gentleman ſucceeded in his accuſation, had he made it out, had he been able to prove, by competent evidence, that the perſon he charged was an unſkilful officer, that he had been guilty of treachery, that he was a betrayer of his country, that he had departed from his allegiance, and had either for a bribe, from want of ſkill, or from baſeneſs, abandoned her defence and ſuffered victory to eſcape him, when it was in his reach, all the kingdom would have united in giving him due praiſes, in returning him loud thanks and applauſe for having detect-

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ed a dangerous traitor, and for having brought him to his merited and to condign punishment. If such had been the case, Mr. Townshend asked, would the vice admiral have thought himself ill-used, had that House, or the public at large, been niggards in applause? Would not he have had a right to expect every epithet of praise, every expression that the language could convey of approbation?

Taking the matter therefore in this light, what was not to be expected, when the reverse of the picture was the true representation of what had passed? When so far from the honourable admiral near him having been convicted of neglect or ill conduct, the court-martial had pronounced most honourably in his favour, and had condemned his accuser, as a man guilty of a false and malicious accusation. Under such a sentence, ought not the vice admiral to feel himself happy at his honourable friend's declaration, that he meant not to attack him, but that his reproaches should be directed solely against the first lord of the admiralty, whom he considered as the principal cause of all the mischief! Ought not the vice admiral, instead of holding an indignant and resentful language, to feel his honourable friend's forbearance, as the greatest favour that could be done him, and to bow to it with the profoundest humility, and the profoundest gratitude!

Having urged this argument pretty strongly, Mr. Townshend said, Sir Hugh Palliser's silence immediately after the sentence of the court-martial was known, his resignation of his lieutenant generalship of marines, his retirement from parliament at that time, and his high tone now, all reminded him of a scene between two characters in a play, which he had often laughed at, and he doubted not every gentleman present had frequently done the same. In the play [the Old Bachelor] he alluded to, a blustering being [Noll Bluff] was kicked and disgraced at one period of the plot, which he suffered with the utmost patience, and without attempting either to defend himself or to retaliate on his assailant, but, in a subsequent scene, in which a dialogue ensues between the bully and his friend Sir Joseph, [Sir Joseph Wittol,] the former grows angry, and says, "Death and hell, to be affronted thus! I'll die before I'll suffer it." Sir Joseph endeavours to persuade him, not to revive what had disgraced him, and what was then past remedy, and asks him, whether he was not "abused, cuffed, and kicked?" To which the bully swears, "By the immor-

tal thunder of great guns, 'tis ſalſe," and draws his ſword. Sir Joſeph begs him not to be in a paſſion, and ſays, "Put up, put up." The bully replies, "By heaven, 'tis not to be put up." Sir Joſeph ſays in anſwer,—"What?" The bully replies, "The affront." Sir Joſeph then adds,—— "That's put up already; thy ſword I mean, put up, put up your ſword." This ſcene, Mr. Townſhend ſaid, ſtruck him as a ſtrong reſemblance of the vice admiral's conduct; he adviſed him, therefore, to put up his anger, and think himſelf well off to reſt as he was.

Mr. *Smith* roſe next, and obſerved, that the noble Lord, [Lord North,] in his ſpeech, had chiefly confined himſelf to the ſentence of one of the two courts martial, and had, as it were, wholly paſſed by the other. The noble Lord had taken great pains to dwell upon that part of the ſentence, which declared, that Sir Hugh Palliſer "had in many inſtances on the 27th of July, ſhewn exemplary and highly meritorious conduct," but he had forgot, or choſen to drop all notice of that part of the ſentence of the preceding court-martial, which declared, that the accuſation againſt Admiral Keppel, was malicious and ill founded. The one was ſurely as ſtrong as the other, and ought to weigh at leaſt as much with the Houſe; but if the ſentence paſſed by Admiral Keppel's court-martial, was not ſufficiently a proof of the vice admiral's demerits, what inference was to be drawn from his own conduct, from his reſignation of his lucrative ſituations of lord of the admiralty and lieutenant general of marines, and from his withdrawing himſelf from public notice, by giving up his ſeat in parliament. Mr. *Smith*.

Lord *Howe* ſaid a few words. The Houſe anxious to hear his lordſhip, deſired him to raiſe his voice. His lordſhip ſaid, that he diſclaimed all praiſe, and made no public declarations of the motives that induced him to quit his Majeſty's ſervice. And he deſired no perſons would take the liberty of aſcribing motives to him for not ſerving, which they could only ſpeak to from conjecture. Lord *Howe*.

Admiral *Pigot* avowed his former ſentiments reſpecting Sir Hugh Palliſer. Adm. *Pigot*.

Mr. *Fox* aſſured the governor of Greenwich Hoſpital, that he was not perſonally his enemy. He was miſtaken if he thought that he could excite hatred in him, or any thing elſe. What he had ſaid, was directed not againſt him, but his patron the Earl of Sandwich, firſt lord of the admiralty. The honourable gentleman had complained of the liberties Mr. *Fox*.

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that had been taken with his name in his abſence. He had ſaid nothing in his abſence that he had not ſaid, and that he would not now repeat, in his preſence. But that gentleman ſtood on particular ground, ſaid Mr. Fox, when he complains of things ſaid in his abſence. For why was he abſent? Why, but, as the honourable gentleman under the gallery had well obſerved, that he dared not to face the indignant reſentment of his country? Mr. Fox approved alſo of another obſervation of that honourable gentleman, viz. That Sir Hugh had taken notice of the favourable ſentence pronounced for him, but not of that ſtigma which had been fixed on him by that honourable court that had acquitted Admiral Keppel. If the honourable gentleman might thus ſelect what was in his own favour, in the deciſions of courts martial, and reject what was unfavourable, he might indeed make up an argument from thoſe detached parts in his own defence. But it was a bad one; for if he admitted the validity of the teſtimony of courts martial in one inſtance, he ought to admit it in every inſtance: but if he rejected any part of the judgment of Mr. Keppel's court-martial, he might and ought to reject the whole; and his honourable relation was not yet acquitted. He had hinted that he would bring the deciſion of that court under reviſion. He ſaw whereabouts he was. We have the majority in the Houſe of Commons on our ſide, and if Mr. Keppel's friends do not hold their tongues, we will overturn a certain ſentence of a court-martial. With regard to a court-martial that ſat on the governor of Greenwich Hoſpital, Mr. Fox aſked whether there were not any other officers of rank to be had than thoſe that formed that court? And whether there were not perſons in that court, the choice of whom for that buſineſs, argued a diffidence in the juſtice of his cauſe? It had been ſaid, that Sir Hugh had been juſtified in ſpite of a mighty influence that had ariſen in the country againſt him. If they who maintained this poſition, meaned an influence ariſing from all that was great and good and honourable in the nation, he was ready to allow it; but it was not a miniſterial influence. It was not in oppoſition to that, that he had been acquitted.

The noble lord had been forward to claim a ſhare in the demerit of appointing Sir Hugh Palliſer to the government of Greenwich Hoſpital, and let him take it, ſaid Mr. Fox, he is very welcome to it. The noble Lord, who is maſter of great ingenuity, affirms, that Sir Hugh Palliſer's court-martial recommended him to preferment. If ſo, why were mi-

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niſtry ſo backward to promote him? Why were they ſo dilatory? Why did they meanly, and in a cowardly manner, deſert him, and abandon him for ſo long a time, to a torrent of popular abuſe and obloquy?

The noble lord recollects what was ſaid about two years ago, by an honourable gentleman of illuſtrious talents and virtue, concerning that unfortunate man, as he was then called, the governor now of Greenwich Hoſpital. That gentleman was not only for ſuffering him to retire in peace, and without any farther ſtigma, but for even allowing him an annuity for his comfortable ſubſiſtence, in conſideration of the former merit of his actions. That honourable gentleman, in my opinion, went too far when he made ſuch liberal conceſſions; but even from that honourable gentleman's good natured conceſſions, the noble lord does not reaſon juſtly; for it was never Mr. Burke's meaning that Sir Hugh Palliſer ſhould receive any honorary reward, ſuch as the government of Greenwich Hoſpital, and has always been conſidered, but to make his life in ſome degree tolerable, by the enjoyment of an annuity or penſion, or ſome ſuch thing.

The noble lord ſays, that the government of Greenwich Hoſpital is not worth more than ſeven or eight hundred pounds a year. Admitted, ſaid Mr. Fox; but it is an honourable office, it is an office that has been held by Sir George Brydges Rodney and Sir Charles Hardy, and that it is therefore very unfit to be held by the preſent governor. Were it ſeven hundred, or but ſeven pounds value in money, ſtill it is an honourable place. It is a place that gives high rank in the navy. Mr. Fox then adverted to Lord North's reaſoning on the obſervation he had made, that Lord Howe, Admiral Keppel, &c. would be juſtly chargeable with madneſs, ſhould they again ſerve under the direction of the preſent miniſtry. Would it not be as great madneſs, ſays the noble lord, to employ agents who entertain ſuch opinions of their employers, who believe them to be falſe and treacherous?

The noble lord does not vindicate miniſtry againſt the charge of treachery and falſehood, and his argument is this: We are falſe and treacherous, and we will not employ thoſe who know us to be ſo. There may be ingenuity and wit in ſuch replies, but there is little judgment. A joke is a poor conſolation for the loſs of ſo many gallant men as have been forced to quit the public ſervice. The prime miniſter is contented with the praiſe of being able to raiſe a laugh. He

hopes,

hopes, that if gentlemen cannot say that he convinces their judgment, that they will at least say, *O quam belle concionaris!*

Mr. Pulteney.

Mr. *Pulteney* agreed with the honourable gentleman who spoke last, in thinking ministry blameable in abandoning Sir Hugh Palliser so long to a torrent of unmerited popular abuse and obloquy. They ought to have done him justice sooner, and to have restored him to all his offices. The revival of the contest between him and Mr. Keppel, was a thing extremely irksome and disagreeable. But a discussion of the matters that had been agitated that night, was to be expected some time or other. It was unavoidable; and the sooner it was over, as he hoped it now was, the better. He maintained, that the sentences of courts martial, and of all courts, were subject to the revision of the nation at large; and that that was the meaning of trials being carried on, not with shut doors, but in public. Whoever read the trial of Admiral Keppel, would regard the sentence pronounced by the court, not separately, and by itself, but would pay a deference to it only as far as it arose out of the evidence by which it was supported, and on which it was founded.

The resolutions were agreed to without a division.

December 5.

Mr. Minchin.

The report of the committee of supply being brought up, the speaker put the question that it be now read.

Mr. *Minchin* said, he felt himself under a peculiar difficulty. From the thinness of the House, and from what had been said in the course of the preceding day's debate, he saw clearly, that it was not a fit opportunity to go into a discussion of the estimates, then about to be voted, and which, extraordinary as they were of themselves, were still more unaccountable than those of the last year. He wished to say a good deal upon them; reserving therefore to himself the right to enter upon them on a future occasion, which he trusted the House would allow him, he should only for the present, ask a single question of the noble Lord, who sat opposite to him, and he would not scruple to confess, that his question arose from mere curiosity; he flattered himself therefore, the noble lord would satisfy him. Upon the estimates, among other charges, there was one for the expence of a surgeon, agent, and purveyor, for Rhode-Island for the ensuing year. Were there really any such persons now at Rhode-Island?

Lord Lisburne.

Lord *Lisburne* declared, he would most readily satisfy the honourable gentleman, had it been in his power. That he presumed the estimate was made out and transmitted to the admiralty

admiralty office, after such an establishment had been made by the commander in chief at sea in America, and while Rhode-Island was in our possession. He knew no otherwise, but he would enquire, and give the honourable gentleman every satisfaction in his power.

Mr. *W. H. Hartley*. I do not rise to oppose the grant of money to the naval service so essential to the nation at this moment, but I cannot let the report pass without lamenting that while we are voting such large sums for the navy out of the pockets of our constituents, we find it still inadequate to the situation of the country. This is more extraordinary after the boast we have heard some years ago, that the British fleet would be fully able to cope with the united force of the House of Bourbon. Had not the first lord of the admiralty made this declaration, I should hold him equally blameable, when our force is found inferior, as from him the nation has a right to expect a navy sufficiently powerful, to support the honour and interests of the kingdom. This House has never refused any money that has been required for the service of the navy, the noble lord therefore cannot assign any reason for not having it equal to the present occasion, but what must imply either an inattention to the service, or that he was unacquainted with the situation and designs of the House of Bourbon. But, Sir, when we consider that those who now have the management of public affairs are the same persons who have for so many years directed the councils of this nation, that under these ministers, we have been plunged into our present situation, involved in a war with the House of Bourbon, brought on by the unfortunate dispute with our American colonies, contrary to every warning that has been given them and the consequences which were foretold would follow from such measures; when we consider that with regard to our American brethren they refused to attend to petitions or to grant any thing, when matters might have been settled by such proceedings, and offered more than was before desired when it could no longer have any effect, one can only wonder that the country submits to such treatment, When in the beginning of this session I ventured to read an address to give my sentiments upon the question of supply, I wished to do it to shew my readiness to support my country, though I at the same time expressed my disapprobation of the measures proposed. Could I have seen any disposition towards peace, I should have taken the liberty before the recess to have offered that motion to the consideration of the House, and my reasons were, that if ministry by agreeing to such an idea had shew-

Mr. *W. H. Hartley*.

ed a readiness to concur in preventing profusion, and even corrupt influence, which the money necessarily expended in the service of the state affords an opportunity of exerting by contract; had they also in general expressed a sincere desire of peace and reconciliation with America, we should have then something to inform our constituents of, in the country, by which they might hope to see the honour and prosperity of our nation and its true interest supported. But, Sir, all they appear to have in view is obtaining votes for money and for force, which has not been refused them; they are therefore now answerable for the proper use of both, and having taken the whole upon themselves the nation expects from them to be safely extricated from its present difficulties. The country at large, the eyes of the whole world; are upon this present Parliament. If we shall be attentive to the interests of the country, if we hold the due balance between the prerogative of the crown, and the rights of the people, if we support the honour of the one, and protect the liberties of the other, we shall discharge our duty and be respected; but if we follow that example of the last Parliament which I fear was too much the case; if instead of being jealous of any improper increase of the power of the crown, instead of restraining profusion we are only anxious to support that corrupt and disgraceful influence which ministers, regardless of the true interests of their royal master, for their own advantages, are so desirous to promote, it will be time for the country to take care of itself, and some methods must be taken to restore the constitution; for if corruption goes on in this House and the means to entering it are corrupted, we may have indeed the form of a free constitution, but the reality exists no longer. I will hope, Sir, however, that we shall not be reduced to this situation, and that ministers for their own sakes, will take such steps as shall lead to honour and safety.

The Rt. hon. *T. Townshend.* The Right Hon. *T. Townshend* said, the noble lord in the blue ribbon had, the preceding evening, by a stroke of pleasantry, got the laugh against him, upon one of his questions; he was himself so pleased with wit and humour, that he could not forbear joining in that laugh, and perhaps that was among the reasons which prevailed on him to forbear replying at the moment. It was, he owned, astonishing to him how the noble lord could have preserved his wit and humour unimpaired for so long a series of years together. Let what would happen, the noble lord was ready with his joke. Amidst the various disasters of the war; amidst all the ruin whch had hastened upon the country,

and amidst every possible call for seriousness, the noble lord was prepared to treat each subject, let it be ever so important, ever so serious in itself, as a matter of sport, of merriment, of repartee! He, who though equally fond of wit and humour, was not so happily gifted with either, must be allowed to take up matters in the dull dry manner in which they struck him, and for want, perhaps, of that luxuriant fancy, and that sportive imagination, which carried the noble lord with perfect ease of mind through every difficulty, must beg leave to consider things as they were. The noble lord had said, that administration would be mad, and fit for Bedlam, if they employed Lord Howe, who, greatly as it might be opposite to that noble lord's sentiments for him to mention, he must ever speak of as an officer of the first ability, of the first skill; as an officer who was looked up to by his whole profession. The noble lord had said also, that administration would be mad, and fit for Bedlam, if they employed Admiral Keppel, who sat under him, Admiral Campbell, Admiral Barrington, Sir Robert Harland, and several others whom he could mention. With regard to Admiral Keppel, he would not say what he thought of his merit, because as he was so near him, he was sure he would quarrel with him for so doing: but why was not Admiral Campbell employed? Admiral Campbell was a gentleman unknown to him, but by public character, which spoke him one of the first officers, this country ever had in her service. Admiral Campbell, he understood, had never declined serving, but had always professed himself ready and willing to go to sea. Oh! but says the noble lord, administration would be mad, administration would be fit for Bedlam if they employed such officers. In answer to this he could only say, that my Lord Anson, a remarkably dull first lord of the admiralty, peculiarly unfortunate in his choice of flag officers, a man who was undoubtedly mad and fit for Bedlam, had thought otherwise of his honourable friend near him. Lord Anson, perhaps from his madness, and from his being fit for Bedlam, had wished to promote his honourable friend to a flag after the affair of Belleisle. The mad, the fit for Bedlam Lord Anson, had thought it entitled him to a flag, but the spirit of true œconomy which then reigned, not that farce of œconomy now acting, not that eagerness to save a penny when thousands and millions were wasted, prevented the measure from immediately taking place. And when he talked of true œconomy, he need only mention the name of Mr. Grenville, the

projector of that œconomy, to convince all who heard him that the œconomy was real, that it was unaffected, that it was such as answered every purpose proposed by it. The honour his honourable friend obtained at Belleisle, was increased by the affair at the Havannah; and then, with a long list of captains, his honourable friend was made an admiral. The plan last war, was to make no unnecessary promotions. To employ old officers. What was the plan now? We had sixty-one flag officers, and of them only twenty or thereabouts employed. Why was this? One of the questions he had asked the preceding day had been relative to the newly created captains, masters and commanders. The noble lord, in reply to him, had produced a list and read the names of some officers of very distinguished merit to prove, that the admiralty promotions were not made without reason. He was free to confess it; he never had imagined they all were, but he was far from allowing that the rest of the noble lord's answer, viz. that the greater part of the promotions were promotions at sea was true; at least that it was so far true, that those promotions were the voluntary acts of the commanders who made them. He had been told again and again by officers, that they went out to sea loaded with persons recommended by ministers for promotion, and that it was a rule to consider those recommendations as the orders first to be attended to. He therefore begged it might be understood, that he did not accept the noble lord's explanation of this matter as a fair answer. Mr. Townshend took notice of the question put relative to the surgeon, agent, &c. of Rhode-Island, and said, that as the noble lord was not prepared with sufficient information to reply, he would readily agree, that it was possible the establishment was made previous to our loss of the place. Nay, he would do more, if the noble lord would accept of a volunteer's assistance he would furnish him with a precedent for the charge, and that was, a year or two ago, when all our settlements in Africa, had been lost long before, an honourable gentleman in office, gravely came down to the House with an estimate, among others, of the expence of the governor, garrison, &c. of Senegambia.

Mr. North. Mr. *North* said, he was perfectly conscious of his inability to take upon him the office of answering questions, to which it was expected the noble lord, to whom he was related, should reply; but as that noble lord was not present, he could not avoid rising to express his astonishment, that his honourable friend, of all gentlemen, should have so far mis-

understood

understood his noble relation, as to have imagined, that in what had fallen from him the preceding day, he meant to convey any such idea as that of saying, that administration would be mad, if they employed Lord Howe, Admiral Keppel, Admiral Campbell, and the other admirals alluded to. The noble lord, he was perfectly convinced, had not the most distant intention of conveying any such insinuation to the committee, but as the honourable gentleman had in his speech declared, that certain admirals would be mad if they entered into the service of administration, the noble lord, in the course of his reply, had said, that if the admirals would be mad to serve under the present administration, it was certainly fair to argue, that the present administration would be mad to employ such admirals.

The question was after this put, and the report read and agreed to.

Lord North coming into the House, while the report was reading, Sir *Robert Smith* rose, and observed, that it had been frequently intimated in the course of the preceding day's debate, that it was intended to go into an enquiry upon the subject of Sir Hugh Palliser's having been promoted to the government of Greenwich Hospital, notwithstanding the stigma under which he laboured, in consequence of the words of the sentence of that court-martial which had tried and acquitted Admiral Keppel. The governor of Greenwich Hospital had, Sir Robert said, been defended strenuously by the noble lord in the blue ribbon, who had maintained that the governor had not barely been acquitted by the court-martial, by which he was tried, but that his conduct had been declared to have been in some instances exemplary and highly meritorious. As it was necessary, previous to going into the subject at all, that this sentence should be before the House, he therefore meant then to move, (which he should not have done, if the noble lord in the blue ribband had not been present) that the sentence of the court-martial, which tried Vice Admiral Sir Hugh Palliser, be presented to that House. Sir *Robert Smith.*

The Earl of *Surrey* seconded the motion, and said, at the moment that he did so, he lamented exceedingly that there should be occasion to go back into a review of matters, which had already, he was afraid, done much mischief, by promoting distraction and party in that service, where unanimity of sentiment ought to prevail, and which he feared would be the cause of more mischief to the general interests of the country, by promoting future dissensions and divisions Ld. *Surrey.*

divisions in the navy, at a time when there was every reason to wish that cordiality and friendship might prevail, from a sense of the public danger. As the vice-admiral had the preceding day thought proper to read to the House a long narrative, the greatest part of which was calculated to arraign and question the justice of the court-martial which had acquitted Admiral Keppel, and which had censured his accuser, he saw clearly that no man of honour in the service would be safe in being summoned to do his duty as a member of a court-martial in future, if an enquiry was not immediately made into the business. When he said this, his lordship declared, he meant not to take up the matter as a partizan, either on one side or the other, he wished for justice solely, and since ministers had, by bringing the vice-admiral forward, given occasion for reverting to past transactions, he thought the whole ought to be fully enquired into, and he was ready beforehand to declare, that he should govern himself entirely by what should appear to be the truth, when the business was sifted to the bottom. If it should appear that the court-martial was warranted to pronounce the sentence they had passed, he should give his vote for passing a censure upon the vice-admiral, who had publicly arraigned the justice of the court-martial, if on the other hand, it should come out, that the vice-admiral's complaints were founded, and that the court-martial had denied him justice, he should support any proceeding against the members of the court-martial, which the House should think proper to adopt. It was with this intention that he seconded the motion.

Sir Robert Smith corrected his motion, and made it fuller.

Ad. Keppel. Admiral *Keppel* then rose, and said, he thought it proper to inform the House, that since yesterday, he had heard without doors, that the governor of Greenwich Hospital, in the long narrative which he read the preceding day, had mentioned many matters, alluding to him personally, which were of so particular a sort, as to have called for his immediate notice. The governor of Greenwich Hospital had spoke so low, in the course of reciting those passages, that his ear had not caught them, or he certainly would have given them a reply. He begged the House, therefore, to impute it to this circumstance alone, that he had passed them over. He had yesterday told the committee, that he never would trouble himself to reply to any thing the governor of Greenwich Hospital might have to say to him; this arose from his respect to the House, and his wish to save the House from the disagreeable

agreeable feeling that muſt be occaſioned, by having their time taken up with hearing the private altercations of him and any other member. He begged the Houſe, however, once for all, to underſtand, that he had not a wiſh to prevent the fulleſt enquiry that could be gone into, either relative to the ſubject alluded to in the motion, or to any other in which he was at all concerned. So conſcious was he that all the tranſactions of his life would bear a publication to the world, that he had not the ſmalleſt objection to their being inveſtigated and traced to their naked truth. With regard to the court that tried him, he was perfectly ſatisfied with their deciſion, perfectly eaſy under it, and free from the ſmalleſt apprehenſions of any thing that could follow its being re-examined. He was ready then, and ever, to truſt his cauſe and his character with the Houſe, and with thoſe to whoſe conſideration either could conſtitutionally and legally be ſubmitted. He was aware that his ſide of the Houſe was the weakeſt in point of number, but he was not in the leaſt intimidated on that account; all that he wiſhed for was juſtice, and he was thoroughly ſatisfied there was juſtice on the other ſide of the Houſe, as well as on that on which he then ſtood.

Mr. *Sawbridge* ſaid, as the vice-admiral was not in his place, he would not now go into any matter relative to him, which ought in fairneſs only to be ſaid in his preſence; he roſe merely to deliver an opinion on what had paſſed yeſterday. The vice-admiral, he obſerved, had produced a written pamphlet, and he had read that pamphlet ſo indiſtinctly, that it was abſolutely impoſſible for gentlemen to underſtand him, indeed, it ſeemed as if the pamphlet had been written by ſome other hand, with the writing of which the vice-admiral was not ſo well acquainted as with his own. In the courſe of the recital, however, one part had particularly ſtruck him; and that was, the vice-admiral's having complained that the court-martial, which tried Admiral Keppel, had refuſed to hear his reply to the admiral's defence. He was a little aſtoniſhed when he heard this, and wiſhed to know where the vice-admiral had learnt the doctrine, that an accuſer had a right to reply to the defence of the party accuſed? He was ſure it was never the practice in the criminal courts of law, and no man could venture to ſay it was the cuſtom in land courts martial. The uſual mode in the courts of law, upon criminal trials, was, for the accuſer to exhibit his charge, and to examine his witneſſes in ſupport of it; that done, the perſon accuſed was to make his defence, and it remained with the court to determine, whether the defence ſet up overturned the accuſation. *Mr. Sawbridge.*

The queſtion, as it had been amended, was then read, and put as follows:

"That there be laid before this Houſe a copy of the minutes of the trial and ſentence of the court-martial held for the trial of Vice-Admiral Sir Hugh Palliſer.

The queſtion was agreed to.

December 6.

No debate. Adjourned to January 23, 1781.

January 23, 1781.

The Houſe met purſuant to adjournment, Lord North preſented a petition from the planters, merchants, and others, of the iſland of Jamaica.

The petition was read, ſetting forth, that on the 3d of October laſt, the pariſhes of Weſtmoreland and Hanover in that iſland were laid waſte by hurricanes, earthquakes, and inundations, whereby moſt of the buildings in thoſe pariſhes, together with the produce of the earth, were in a great meaſure deſtroyed, and other diſtricts of the iſland received very conſiderable damage; and that the petitioners are not able to eſtimate the loſſes of the ſeveral ſufferers with preciſion, but are authorized in ſaying that they amount to ſuch an enormous ſum as to require the immediate aid and aſſiſtance of Parliament; and therefore praying the Houſe, to take the caſe of the ſufferers into conſideration, and grant them ſuch relief as to the Houſe ſhall ſeem meet.

Mr. Eſtwick.

Mr. *Eſtwick* (agent for the iſland of Barbadoes) ſaid, riſing, as I do, for the firſt time that I have had the honour of offering myſelf to your eye, and of calling for the attention of this honourable Houſe, it is a circumſtance of no ſmall alleviation to the embarraſſment, which the novelty of ſuch a ſituation muſt neceſſarily produce, that what I ſhall now have to ſuggeſt, is not in addreſs either to this, or to that ſide of the Houſe, but equally to the conſideration of both; not intended to oppoſe the ſentiments of any, but to meet the ſenſe of all, not upon a queſtion of politics, but in a caſe of humanity; in that caſe, Mr. Speaker, where by affording relief to the diſtreſſed, unanimity has never failed to mark the characteriſtic greatneſs of this aſſembly.

Standing, therefore, Sir, although upon a very unfortunate occaſion, under theſe ſtill fortunate circumſtances, the paper which I have in my hand is an humble petition to this honourable Houſe, from the planters, merchants, and others, intereſted in the iſland of Barbadoes, and reſident in England, upon the late dreadful calamity that has befallen that country.

The petition, Sir, sets forth, what, indeed, I am most happy, in my own person, to confirm, the loyalty of that colony to the King, and its inviolable attachment to the constitution of this country. It states the former flourishing situation of the island, with its usefulness as a colony to the parent-state; and whilst it recounts what these advantages were, it does not forget to acknowledge, in the extreme of gratitude, the benefits that have been derived to that country from the protection, the succour, the bounty, and the support of this.

It next proceeds to state the late reverse of fortune, which, from a concurrence of natural causes, such as the failure of accustomed rains, blights of different kinds, and vermin of various descriptions, that country had experienced; under all of which, however, although it suffered, the hopes of better times remained a source of consolation, till the present awful moment, when, by a ravaging and destructive tempest, all hopes were blasted, all consolation removed; a tempest, whose violence and devastations were as great, as terrible, and as general, as they exceed the power of all exaggeration. And yet, Sir, say the petitioners, "as the feelings of unhappy sufferers, biassed by their own particular losses, or the private accounts of others, may be thought to exaggerate the general distress, they are willing to rest this their case on the official papers transmitted from the island to his Majesty's ministers, and to which they beg leave to refer."

It now goes on to say, that the refuge of the petitioners themselves, under such lamentable circumstances, is naturally to the humanity, to the liberality, and to the policy of this honourable House; and then the prayer of the petition is, "That this honourable House will be pleased to take the peculiar case of the island of Barbadoes, detached as it is from any other case, into their serious consideration, and grant the unhappy sufferers such distinct and separate relief as to this honourable House in their great wisdom shall seem meet."

This, Sir, is the substance of this petition. And now it might be expected, that I should proceed to offer such arguments in support of it, as might occur to me upon the occasion. But, as on the one hand, a petition like this, can require no better support with this House, than what it will find in the merits of its own case; so, on the other, it being in itself a case, wherein I am myself personally interested and concerned, neither decency admits, nor will propriety suffer me any longer, to trouble you upon the subject. I have, therefore, Sir, only to move, that this petition be now brought up.

Copy of the Barbadoes Petition.

To the Honourable the Commons of Great Britain in Parliament assembled.

The humble petition of the planters, merchants, and others, resident in England, and interested in the island of Barbadoes, in behalf of themselves, and of their fellow sufferers, the inhabitants of the said island,

Sheweth,

That the island of Barbadoes is the most ancient English colony in the West Indies; ever actuated by the principles of loyalty to the crown, and love of the British constitution; valued for the peculiar advantages of its situation, the number of inhabitants in proportion to its extent; and, till of late, for the fertility of its soil; and on these several accounts has been favoured with the protection, succour and support of the parent state, to which it has never failed of making suitable returns of gratitude and affection. The voluntary contribution of men and money during the late war, and the offer of supplies of provisions, during the present, to Admiral Barrington, who refused the donation, from an apprehension that the donors would themselves be distressed by such generosity, are particular recent instances of that general conduct which has ever invariably testified the most grateful attachment and regard to this country.

That in this happy relative situation of a colony flourishing under a protecting state, the inhabitants of this island had continued for a great length of time; truly sensible of the inestimable blessings they enjoyed under that protection, and ever deeming the continuance of it the sure and solid foundation of their welfare and prosperity, when it experienced a sad reverse of fortune. Natural evils, against which human prudence could not provide, an extraordinary failure of accustomed rains, blights of several kinds, and vermin of various descriptions spread such desolation over the country, as, within a short space of time, to diminish its annual produce to no less than half the usual quantity, to the injury of the mother country no less than to the impoverishment of the colony.

That, in this alarming situation, the people, though they sensibly felt the weight of their misfortunes, consoled themselves with the hopes of better times, and the expectation of retrieving their circumstances by redoubled diligence and œconomy. And when they were at length flattered with the agreeable

agreeable prospect of a happy change, by the extraordinary appearance in the general face of the country, on a sudden, in an awful moment, all their hopes were blasted, and the measure of their woe filled up by a most dreadful calamity, a tempest, the violence of which perhaps has never been surpassed, extending over the whole island, affecting almost every individual, and reducing to distress the greatest part of the inhabitants. Of near four hundred plantations, scarce one has escaped the general calamity, most have sustained very considerable, and many almost irreparable damage. Almost all the buildings, nearly one half of the cattle, and many slaves have been destroyed. Several towns have suffered, and the principal one in particular, in a shocking degree, and from all these causes the inhabitants, to the amount of above twenty thousand whites, were left almost destitute of habitations, food, and raiment. But, as the feelings of unhappy sufferers, biassed by their own particular losses or the private accounts of others, may be thought to exaggerate the general distress, they are willing to rest this case on the official papers transmitted from the island to his Majesty's ministers, to which they humbly beg leave to refer.

That in these deplorable circumstances, your petitioners are naturally led to look up and take refuge in the humanity, liberality, and policy of this honourable House, from whence they most humbly hope to receive speedy and effectual relief; such relief as will not only secure them from impending want, but by assisting them to erect anew their buildings, and to procure other necessaries, enable them to cultivate again their estates. Should the unhappy sufferers be so fortunate as to receive from Parliament such generous aid, they entertain a sanguine hope, and think it not ill founded, that the late dreadful calamity being attended with the good effect of removing former evils, the island will soon see its ancient fertility revive, again flourish, and in proportion to its own wealth and affluence, bring wealth and affluence to the parent state.

Your petitioners therefore most humbly pray, that this honourable House will be pleased to take the peculiar case of the island of Barbadoes, detached as it is from any other case, into their serious consideration, and grant the unhappy sufferers such distinct and separate relief as to this honourable House, in their great wisdom, shall seem meet; and your petitioners, as in duty bound, shall ever pray, &c.

 (Signed

(Signed by the following gentlemen of the committee :)

Daniel Lascelles
John Brathwaite
William Bleuman
John Trent
Thomas Walker
William Fitzherbert
John Lucie Blackman
John Bond
Alexander Abraham
Samuel Estwick,
Agent for the island.

The following petition, relating to the same subject, was also delivered at the bar, by Thomas Sainsbury and William Crichton, Esqrs. the sheriffs of London.

To the Honourable the Commons of Great Britain, in Parliament assembled.

The humble Petition of the Lord Mayor, Aldermen, and Commons of the city of London, in Common-council assembled,

Sheweth,

That your Petitioners must ever be sensibly affected, by every event which concerns the interests of any part of their fellow subjects, and cannot therefore be indifferent spectators of those dreadful calamities with which it has pleased Divine Providence lately to visit the British West-India islands, at a time when this nation is engaged in a war, the principal seat of which has been in that quarter of the British dominions.

Your petitioners are not insensible of the universal and unbounded benevolence of the individuals of this country, which so eminently marks the national character, and makes Britons the object of admiration of all foreigners.

But losses of such magnitude, and which require immediate reparation to the sufferers, in order to prevent their total ruin, must far exceed the powers of private benefactions, and (as your petitioners humbly conceive) claim immediate relief from the hand of Parliament.

Your petitioners, therefore, in behalf of their suffering fellow-subjects in the West-Indies, humbly supplicate the immediate attention of Parliament to a subject of so great importance to the commercial interests of this kingdom, and humbly pray that this honourable House will grant the sufferers such immediate and effectual relief as to them in their great wisdom shall seem meet.

Lord *North*. Lord *North* said, that his Majesty having been informed of the contents of the preceding petitions, recommended them to the consideration of the House.

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A petition was presented by Lord Beauchamp from Lord Sheffield and Mr. Yeo, complaining of an undue election of members of Parliament for the city of Coventry.

Lord *Beauchamp* desired to be informed of the first day when a committee could be balloted for taking the above petition into consideration, and deciding concerning its merits. Lord Beauchamp.

The speaker replied, that it was the 26th day of June.

Lord Beauchamp then moved, that this petition be referred to a committee on the 15th day of February next. He knew that the principle of Mr. Grenville's bill was, to leave nothing, or as little as possible, to the discretion of the House, with regard to contested elections: but still in certain cases the exercise of discretion in such matters was necessary, and allowed even by that bill, and authorised by the custom of the House.

If no discretionary power was allowed to the House, what was the reason of reading petitions before a day was fixed for their consideration? It was true, that the order of their being heard, in common cases, was determined by chance; but where there were singular and extraordinary circumstances attending any election, that order had been broken through, as was evident from a precedent in 1774, in a petition from Westminster, and in the Worcester and Oakhampton petitions, this very session of Parliament. The petition from Coventry was an extraordinary one, and deserved extraordinary attention. It might be said, that to grant an early hearing to that petition, would break in upon the time allotted for the consideration of the other petitions; but his lordship endeavoured to obviate that objection, by saying, that from a regard to the convenience of the House, only two committees for trying elections were to be appointed in one week: but that there was no reason why they might not appoint three for one week, if they thought proper, and were willing to take the trouble of doing so. He did not imagine, that by this early appointment he injured any party.

Mr. *Frederick Montagu* said, the House must not be surprized at his being alive all over at any attempt that should be made to depart from the spirit of Mr. Grenville's bill. The present motion he considered as inimical to that bill, in the framing and supporting of which he had taken so considerable a share, that he could not but feel most sensibly whenever it was attacked. He was not, he said, in the House, when the petitions alluded to by the noble Lord were the subject of debate, and the days fixed for ballotting for committees to try their merits were altered; if he had, he most certainly should have opposed such an alteration, because he felt it incumbent Mr. F. Montagu.

upon

upon him, as one of the parents of Mr. Grenville's act, to resist every effort to destroy the operation of that act. The great utility of that act had now proved itself incontrovertibly, and he trusted that the young members would pay it due attention, and think it no inconsiderable part of their duty to undergo the fatigues it imposed on them with chearfulness, especially when they balanced against their labour, the great good they thereby rendered their country. Mr. Montagu concluded with moving, as an amendment, that the words, "Thursday the 15th of February," be omitted in the original motion, and that the words, "Tuesday the 26th of June," be inserted, instead.

Mr. Adam. Mr. *Adam* said, that Mr. Grenville's bill having given the House a power of altering the day of hearing any petition, it was a false argument to maintain, that to accelerate the trial of any petition, founded upon allegations of an extraordinary nature, was either to contradict the meaning of Mr. Grenville's act, to attack it in any shape, or to impede its proper operation. He said, no man respected Mr. Grenville's act more than he did; he had in the commencement of the last Parliament, learnt to admire its justice and its policy, by experience acquired in the course of his frequently sitting and acting under its authority upon various committees. That he was perfectly acquainted with the whole of that act, and had it contained any enacting clause, limiting the House to a certain day for ballotting for a committee to try any election, he should then have thought the present motion an attempt to fly in the face of the act; but as there was no such clause in the act, on the contrary, as the act contained a clause, giving express power to the House to delay the trial of any petition at its discretion, and as the obvious aim of the act was to accelerate justice, he could not conceive, that the present motion could, in any view of it, be construed into an opposition to Mr. Grenville's act.

Mr. Dunning. Mr. *Dunning* said, he had ever considered Mr. Grenville's act as an instrument of great good; but though there was no clause forbidding such a motion as the present, he maintained that the spirit of the act was as obligatory as the letter of it; it clearly was to take the trial of elections wholly out of the House, to administer justice equally, and without partiality or distinction, through the medium of a committee, who were to judge solely from the evidence, and not from prejudice or affection.

Mr. *Macdonald* declared, that no man had a greater deference for the opinions of the learned gentleman who spoke last than he had, since from his opinions he had chiefly learnt to form his own, but that he could not help differing from his argument, and from his mode of reasoning. Mr. Macdonald agreed that an act ought to be construed by its spirit as well as its letter, but could not agree that the letter should be disregarded altogether; he then stated that the act gave an express power of procrastination to the House, whence he inferred, that the House had a power to accelerate a ballot where the case was extraordinary. This doctrine he applied to the case in question. Mr. *Macdonald.*

Mr. *Kennyon* said, he stood in the predicament of a member petitioned against on the heavy charge of bribery. That his moral character was bleeding afresh every hour that the trial of the petition against him was delayed, that in obedience to the regulation of the House, he had submitted, on the principle of general convenience, to the day on which the committee to try the petition against him was fixed to be balloted for, that he had as much right to acceleration and preference as another, and if another was so favoured, he should consider it as an indication that hostilities were determined against him, and as a grievous injury. Mr. *Kennyon.*

Sir *Herbert Mackworth* said the arguments of Lord Beauchamp were plausible, and had impressed his mind at first very forcibly; but on a re-consideration, he thought as the House had determined on a particular regulation, that regulation ought to be adhered to most strictly. Sir *Herbert Mackworth.*

Governor *Johnstone* said, the argument divided itself into two branches—the one, the question, whether the House had a power to accelerate the trial of any petition under any circumstances? the other, whether the circumstances of the Coventry petition were such as justified that sort of acceleration? He decided both these questions in the affirmative; and concluded with saying, that if the Coventry petition was not soon tried, it would be in the power of any returning officer, first by making no return to a writ, and then by an unfair return to a second, to gain time, and seat for the first year of a Parliament, any two persons he thought proper. Governor *Johnstone.*

Right Honourable *Thomas Townshend*, after mentioning Lord Beauchamp's connections with Coventry, said the present motion was an effort of power to save two favourite candidates; and there needed no stronger proof of it, than the extraordinary circumstance of ministers being present, and Right Hon. *Thomas Townshend.*

staying

staying till six or seven in the evening, who had opposed Mr. Grenville's bill, and who, whenever any question relative to the operation of that bill was to come on, had constantly kept away from the House.

Mr. Mansfield. Mr. *Mansfield*, Solicitor General, said that the act gave the House in express words, in the beginning of it, a discretionary power as to the time of hearing petitions on elections. He then took a review of the allegations contained in the petition, and concluded that the Coventry election was a very extraordinary case, and therefore merited extraordinary attention.

Mr. Fox. Mr. *Fox* said, that as he had before the adjournment taken some part in the election for Coventry, he should now say something upon the motion of the noble Lord, which he must oppose, for this reason; because he did not see any colour of necessity or justice for paying more regard to the petition that had been read that day from Mr. Yeo and Lord Sheffield, than had been paid to the various other petitions, which had been presented before the holidays. His honourable friend [Governor Johnstone] had argued, and he thought very fairly, that the whole argument was reduceable to two points, and those were, first, whether it was right, on any account, to accelerate the trying of an election petition before others were tried, which had been previously presented; and secondly, whether the petition now before them, was one of that sort which was entitled to such extraordinary acceleration? With regard to Mr. Grenville's bill, he should only state what had always appeared to him, and had been admitted by those who thought of the bill as he did, that the good of the bill was, that it took the whole of the election causes out of the House, and gave every petitioner an equal chance of having substantial justice administered to him in the fullest and most impartial manner; and that it put a stop to the exertion of influence and power in favour of one set of petitioners in preference to another. If by the noble lord's influence arising from his distinguished character, from his high office, from his great abilities, or from his interest in the borough of Coventry, he could prevail on the House to adopt a discretionary power, in order to obtain a partial exercise of it in favour of the petitioners, it certainly must appear, to the conviction of every man, that the part of the effect of Mr. Grenville's bill, universally allowed to be the good part, was broke in upon, and violated; and that then matters would be in a train to recur to their old

old channel, and it would be as much in the power of the minister to become the elector, and to chuse the members of that House, as it ever had been. His honourable friend had gone into a very refined mode of argument, to prove that the returning officer of any borough might seat any two gentlemen that he chose, in that House, for one whole year; to the end of the first session, and possibly for some part of the second; and how had his honourable friend attempted to shew that this was likely?—Why, by stating it as a case, that a returning officer might do just exactly what had happened in the present instance, viz. make no return to the writ at first, in hopes that when a second writ issued, his successor [for as the offices of sheriffs, &c. were all annual, it rarely happened that the same returning officer should preside at both elections,] would be weak and wicked enough to return his two friends by any means, in defiance of right, and in contempt of the House. There was something so strange in the idea of a returning officer procuring any person to be so returned, and something so weak, foolish, and absurd in any gentleman's consenting to come into that House under such circumstances, and take his seat for one year only, that he could as little conceive his honourable friend meant to put the case seriously, as he could conceive that it ever had happened, or ever would happen. With regard to his honourable friend's assertion, that a returning officer had it in his power to make an improper return, and that perhaps some would do so unless the House proceeded to give some mark of their resolution to check such attempts, undoubtedly it was the fact. It was an inconvenience that necessarily belonged to the case of an election, it was inseparable from it, and the only means of putting a stop to such an abuse of trust, was for them immediately to institute an enquiry into the conduct of every returning officer who either neglected to do his duty, or did it negligently and improperly. How happened it in the case of Coventry, that the conduct of the returning officer, who had failed to make a return to the first writ, was not immediately enquired into? Let gentlemen remember who it was that moved for the issuing of the second writ, previous to such an enquiry's taking place! Let them recollect that he had earnestly pressed for an enquiry, and had strenuously opposed the issuing of a writ for a second election, till the enquiry was gone into and finished, in order that it might be known by the House, to whom they were to ascribe the first failure of a return of members for Coventry!

The question before the House was not whether Lord Sheffield and Mr. Yeo, or Sir Thomas Halifax and Mr. Rogers, should be the sitting members for Coventry, but whether the House should adopt a new mode of proceeding in cases of election, and give a preference to the Coventry petition by accelerating the time of it, in prejudice to the parties concerned in every other petition? And here the argument presented itself under its two heads: was it right to accelerate the trial of any petition, and was this one of those petitions entitled to such an acceleration? With regard to the first position, possibly there might be cases in which it would be warrantable with the House to accelerate the trial of one petition before another, but surely the House ought to have proof, before they went out of the usual road of proceeding, that there was a sufficient cause for such a change of the course of justice. Did the petition that had been read, contain a single allegation of a flagrant nature, uncommon from the general tenor of other petitions presented to the House from parties claiming seats? The petition against a learned gentleman, who had with great feeling, and with great propriety complained of the injustice of resolving to ballot for a committee to try the Coventry petition, before the House went to a ballot to try the petition presented against him, stated a charge of bribery;—bribery, in order to gain a seat, was a very flagrant crime! The petition presented against an honourable friend of his, the member for Stafford, was founded on a charge of the same sort: the crime in both cases was very flagrant; and in both cases the sitting members would doubtless be exceedingly pleased to have the petition against them heard and determined upon as soon as possible. What were the species of allegations generally stated in election petitions? They were these,—that the returning officer had suffered bad votes to be sworn, and had rejected good ones: he had been bribed; the voters had been bribed; the return was unjust, or the person who had acted as returning-officer had no such power: all these were in themselves flagrant crimes; but they were the crimes commonly alledged, and could pass for nothing, till the committee had heard evidence upon them.—The learned gentleman who spoke last, said the Coventry election was an extraordinary case, but he was amazed to hear him set out with an attempt to prove, that the petition of Lord Sheffield and Mr. Yeo, which contained no extraordinary allegation in itself, and respecting which, the noble lord who made the motion, had stated no one fact

of

of an extraordinary nature to justify his motion, was more entitled to preference than the petitions respecting other boroughs. It was too evident, he said, to be contradicted, that the present attempt to accelerate the hearing of Lord Sheffield and Mr. Yeo's petition, was made by a noble lord high in office, because the petitioners were favourites of the minister, and agreed with him in political opinions. It was, he declared, an effort of power to commit injustice; an effort which he trusted that House would have the virtue to resist; and therefore he would say no more upon the subject.

Lord *North* said, that no insinuations of his having an improper regard to one set of men, in preference to others, should prevent him from discharging his duty as a member of that House. It had been thrown out, that Lord Sheffield and Mr. Yeo were more his favourites, than Sir Thomas Halifax and Mr. Rogers; and that his presence in the House, when any matter relative to Mr. Grenville's bill, came on, was uncustomary, and therefore liable to suspicion. Gentlemen were welcome to make the most of such insinuations, but they should not intimidate him from acting as he had a right to act, nor from giving his reasons, why he should vote for the motion offered to the House by his noble friend: With regard to the petitioners of Coventry, and the sitting members, they were unknown to him in the consideration which then directed his conduct; they were all worthy and respectable characters, and therefore he felt the less compunction in taking that line which justice and reason so strongly marked out as the fit and only line for a conscientious member of Parliament to follow. As to his being present, the House well knew that his presence was necessary for other reasons, than the subject of the motion then before them, and he believed he had less to charge himself with on the score of failure of punctual discharge of his duty by attendance, than almost any member who had sat for so many years in Parliament. Lord *North*.

The honourable gentleman who spoke last, had talked of the good of Mr. Grenville's bill; it was well known, that he was one of the very small minority who divided against that bill, but he appealed to the House, whether he had, from the moment the House decided that the bill should pass, used any indirect means to frustrate its effect, or impede its operation; he had a great respect for it, he believed it had been productive of much good, and the wise and upright conduct and determinations of those gentlemen, who had from time

to time sat and acted as judges under it, was at once an incontrovertible proof of its policy, and of its justice. That bill had avowedly two great objects: the one, to assist the public business of the nation, by taking out of the House all election causes, and referring them to another judicature composed of members of parliament; the other—to prevent delay as much as possible in the decision of election claims. Both these were certainly matters ardently to be wished for, and closely to be pursued: the present case, he conceived, came directly under the second point; for what had been the feelings of gentlemen at the time, when his noble friend had moved, that a new writ be issued for Coventry? The facts then ascertained were, that there was no return made for Coventry, the sheriffs having failed to comply with the King's writ. The first consideration of that House in all periods of parliamentary history had been, that the representation of the people should be compleat. In special conformity to that idea, his noble friend had moved the writ for a new election; and why had the House agreed to it? Because, the House were convinced that the sheriffs had aimed at delay, and therefore they ordered a new writ to be issued. Hence in the new writ, and not from any motives of partiality and affection, which it was neither decent nor just to alledge in comment upon a proceeding of that House in its legislative capacity, it had been argued early in the debate, by a learned gentleman, that the act, commonly called Mr. Grenville's act, was to be construed by its spirit, and not merely by its letter. The argument was certainly fair; but would the learned gentleman contend, that the spirit was not to be abstracted from the letter, or that the express letter was to be abandoned in support of an idea of spirit, which the letter of the act neither countenanced nor supported.

The letter of Mr. Grenville's act expresly gave the House a discretionary power of removing, altering, and postponing the day of trying any petition, as to their wisdom should seem meet. If the spirit of it were construed to imply that the House had a power of postponing the trial of an election cause, but that the House had no power of accelerating such trial, let the case be ever so extraordinary, it would surely be fair to say, that Mr. Grenville's act was big with more evil than good; that it impeded justice; and that it rather enforced than destroyed delay, the prevention of which was one of its professed objects. The ground on which the motion struck him as highly fit for the adoption of the House,

was

was the obvious aim at delay in the sheriffs, from the beginning to the end of the election. In the first instance, the King's writ had not been complied with, and in the second, if the allegations of the petition were true, they had used every art in their power to gain time, and make as many votes as possible, in order to bring in their own friends at any rate. The honourable gentleman had said that the sheriffs who presided at the last election, and those who made no return to the first writ, were not the same persons; the fact was true, but the honourable gentleman had forgot, that both the sheriffs who made no return, and the sheriffs who were now complained against, were equally members of the corporation of Coventry, and that the struggle evidently lay between the corporation and the independent voters, who should return the members. The honourable gentleman had said besides, that it was nothing, and that it was foolish for any gentleman to accept of a seat upon such terms, or to come into that House for one year only. Was the honourable gentleman serious? What! when he and all the public had heard it so often repeated of late, that Parliaments should be annual, that it was an Englishman's birth-right, that no man should sit in Parliament more than a year previous to a fresh election, was he to be told, that obtaining a seat for a year, or perhaps a year and a half, was nothing, or that it was foolish? The honourable gentleman must have forgot himself when he dropped the expression. A learned gentleman had complained in person of the injustice which, he alledged, would be done him, by giving the Coventry petition a preference, in point of order, over that of the petition against him; and another honourable gentleman, not in person indeed, but by his friend, had preferred a similar complaint; but would any man say, that there was no difference between the cases of Hindon and Stafford, and the case of Coventry? In the two former, the charge was a charge of bribery; a flagrant crime it was true; but what was an allegation in an election petition without proof? Would the gentlemen suffer in their moral characters on such an account? Was there a man, who heard him, who thought they would? The gentleman might feel tender upon the subject, but every person capable of judging upon it, must know, that such charges were of no manner of consequence, when no otherwise alledged than in an election petition. With regard to sitting members and the petitioners, they were equally out of the question. They had as little

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to do with the matter as Mr. Grenville's bill, under the consideration of suffering by the decision of the House. Mr. Grenville's bill, he trusted, would have its intended effect farthered in a material instance, by an acceleration of the trial of the Coventry petition, and Sir Thomas Halifax and Mr. Rogers, Lord Sheffield, and Mr. Yeo, were not to be thought of in the debate, which went upon the general ground of endeavouring to administer substantial and speedy justice in a case artfully attempted to be unreasonably procrastinated, to the detriment of the first great object of Parliament, the completion of the representation of the people. The sole consideration, therefore, upon which the question turned, was, whether there was sufficient cause for acceleration, and whether the trial of the Coventry petition could be accelerated without injury to other petitions? On both these points it appeared to him meet and expedient to agree to the motion.

Mr. Byng. Mr. *Byng* said, the principal aim of Mr. Grenville's act was, that equal justice might be administered to all petitioners in cases of election. The present motion flew in the face of this object, and by a preference to one petition, did an injury to ten others which must necessarily be delayed on that account. He said further, that even if four committees could sit at once, there were but three committee rooms, and one was a very inconvenient apartment for the purpose; that the House well knew if the committee on the Coventry petition, was balloted for on the 15th of February, the ballot for the committee to try the next to it must be postponed, and so on with the subsequent ones; he therefore should vote for the amendment.

The House divided on the amendment; for it 85, against it 109.

The other petitions on the same subject were also referred to the 15th of February.

Mr. Webb. Mr. *Webb* then moved to fix the day of ballotting for the Lyme-Regis committee, on the 28th of February.

Mr. Byng. Mr. *Byng* said, he conceived Mr. Grenville's act had received a stab that evening, and therefore, in conformity to the principles which impelled him to divide in the minority on the former question, he should oppose the present. He moved as an amendment, that the 26th of June be inserted.

Sir Herbert Mackworth. Sir *Herbert Mackworth* said, no injury was done to the act of Mr. Grenville by the last decision. The House divided again on the amendment, for it 28, against it 57.

January 24.

General *Smith* said, he took the earliest opportunity of calling the attention of the House to a matter of the greatest importance—the present disturbed state of the provinces of Bengal, Bahar, and Orissa, in India. Ministry, he was well assured, were in possession of advices from that part of his Majesty's dominions, of an alarming nature, and which, he hoped, would incline them to take the disturbances to which he alluded into immediate consideration. How would the House be astonished, when they should hear that the supreme and controuling council at Calcutta, appointed by the British legislature to superintend affairs in that quarter, had sent over a petition, praying for an act of indemnity to secure them from punishment for sending an armed force to resist another armed force, which had been employed by those judges who were also appointed in Bengal by this legislature for carrying into execution decrees of theirs that were absolutely inconsistent with peace and good government in that country. Mr. Smith said, the institution of a court of judicature in Bengal, separate from the supreme council, was only an experiment in politics. It had been sufficiently proved to have been unsuccessful; and he hoped it would now be given up. He gave notice, that on a future day he would make a motion that all these matters should be taken into the consideration of a committee of the whole House. Gen. Smith.

Lord *North* confessed, that he had heard a good deal of disturbances, such as had been described by the honourable general. However, from nothing that he either knew or had heard, did it appear to him, that the institution of a court of judicature in the provinces of Bengal, Bahar, and Orissa, should be abolished. That was a great political question, and an enquiry into the facts, which must necessarily be ascertained in order to a right discussion of it, would comprehend many individuals now residing in Calcutta: therefore, the House could not come to any speedy resolution concerning the grievance alledged by the petitioners and the honourable gentleman. However, all those things deserved to be enquired into; and he understood, that a day had been fixed for considering the petition from Bengal, which had been already presented to the House, the consideration of which would involve all those matters now complained of. His lordship being told, that no day was fixed for the consideration of that petition, the 31st was appointed. Lord North.

Mr. *Boughton*

Mr. Boughton Rouse. Mr. *Boughton Rouse* rose as soon as Lord North had done, and expressed much satisfaction at perceiving, from the train in which the business then was, that the wisdom of Parliament would very shortly be applied to the revisal of an act, (meaning that passed in 1774,) which, whilst it corrected some abuses which had prevailed in India, had certainly introduced a scene of the greatest confusion. For, said this gentleman, in an extent of territory, larger than all the British dominions in Europe, we have seen a government acting without efficacy; and a court of justice disposing of the lives and property of the inhabitants, by laws which are not written and promulgated. This subject, Sir, appears to me of the highest importance. I hope to see it examined with deliberation and candour, without acrimony to individuals, without the influence of party spirit. It is a great national object, Sir, and as such, it cannot too soon receive the attention of this House.

The order of the day being called, for the House to go into a committee of supply,

Lord North. Lord *North*, after mentioning the extreme distress to which the whole island of Barbadoes, and two parishes in Jamaica, were reduced by the late dreadful hurricane, said, they were objects extremely proper for Parliamentary relief, and as it was necessary to send immediate assistance, without waiting for any scrutiny, he added, that he was desirous of the assistance of any gentleman, who should advance any reason for going either beyond or under the sum which he should specify.

It was not the meaning, it was not the expectation of the petitioners to be indemnified for all the losses they had sustained. These were not exactly ascertained, as they ought to be, if such a demand were made, as a matter of right. No; all that was prayed for was, such assistance as might enable the distressed inhabitants to support themselves with the necessaries of life in the mean time, and afterwards to follow the different occupations of honest industry.

With regard to the sums that ought to be given to Jamaica and to Barbadoes respectively, he was somewhat at a loss; but there was a necessity of sending one sum or other; he would therefore propose what he thought should be given to Jamaica, and what to Barbadoes. If we estimate the commercial value to this country of those two parishes on which the hurricane fell in Jamaica, and compare it with the commercial

mercial value to this country of Barbadoes, perhaps those two parishes are more than equivalent, in that scale, to this whole island. Farther, if we were to form an estimate of the *quantum* of relief we ought to send to each island, from the greatness of the loss sustained by each, the greatest sum would be sent to Jamaica. But Parliament would be too just to make this the rule of their charity, which would be regulated, not by the measure of their loss, but by the urgency of their wants.

The hurricane had fallen on only a part of Jamaica, but had ravaged and laid waste the whole of Barbadoes. In this island all were sufferers. In Jamaica the greater part of the island, though indeed the least fertile, escaped the dreadful visitation; whence it might be presumed, that the necessaries of life might be purchased by the poor among the sufferers, which, as he understood, were not, in those two parishes, very many, for money. Money, therefore, was the principal thing they would stand in need of. But in Barbadoes, where the effects of the hurricane were general, the number of poor white people was great, and they would stand in need of many of the necessaries of life, of bulky commodities, which could not be transmitted, like a credit on the bank of England, without any expence, but which would occasion a considerable deduction from the sum that should be voted for their relief, for freight, insurance, &c. Fortunately, a convoy with provisions for the West-India islands, had sailed with Sir Samuel Hood; but in May and June another supply would, doubtless, be wanted, especially at Barbadoes.

He had conversed concerning these matters with several West-India merchants, and from all that he could learn on this question, to which of the islands we ought to give most assistance, the painful preference was due to Barbadoes. He therefore proposed, that the sum of eighty thousand pounds be voted for the relief of Barbadoes, and the sum of forty thousand pounds for the relief of Jamaica. Those sums to be distributed by the governors of the islands and the vestries of the different parishes, or in any mode that might be deemed the most proper by the West-Indian merchants, and all those who were best judges of the subject.

Mr. *Pulteney* asked why the noble lord proposed the specific sums of 80,000l. and 40,000l. and desired to know what *data*, and what calculation the noble lord was guided by in his opinion, that the sums should be neither more nor less than the sums proposed. Mr. *Pulteney*.

Lord North. Lord *North* said, that he had already stated that he went upon no certain calculation, because no case had been made out; and the occasion was so pressing, that it was impossible to wait for one, and therefore he had gone only on conjecture. He had heard the loss estimated at a million, or rather at eleven hundred thousand pounds; what he proposed now, gentlemen would consider was meant merely as a temporary relief to those individuals who were most distressed.

Mr. Estwick read the following proposals, which he said he had delivered to Lord North:

Proposals for the application of the money granted by Parliament, or otherwise obtained, for the relief of that island.

It has been suggested that the church-wardens and vestries of the island of Barbadoes have already received instructions for ascertaining, within their several parishes, the losses of individuals, by appraisements upon oath; and therefore taking for granted that this is already complied with, the next measures that would seem necessary to be adopted are,

1st, That the money granted by Parliament, as well as what might be received from private subscriptions, be lodged in the bank of England.

2d, That a board of commissioners be appointed in the island of Barbadoes, consisting, first, of his excellency the governor, if there be no impropriety in placing one of his station in such a situation; secondly, of the five senior members of the council; and thirdly, of the speaker, with eight members of the assembly, to be chosen by their own body, which board, so nominated, shall be empowered (it being the intent of Parliament, as well as of the private subscribers, that the money obtained from both shall be really and truly employed and applied for the actual use and benefit of the island, and not for the personal service of individuals only) to lay this money out in the purchase of all such necessaries as the island shall stand in need of, and to this end shall be at liberty to draw upon the bank of England for it, as occasions may occur and require.

3d, That having purchased the necessaries wanted, such as lumber of all kinds, and provisions, each sufferer shall, in proportion to his loss, be entitled to receive his portion or share of these articles; no part thereof being to be commuted for, or paid in money, upon any account whatever.

4th, That these commissioners shall be required to transmit to the agent of the island here, such copies of their proceedings as will be proper and sufficient to inform the Parliament and the public at large, of the manner in which their liberal donations have been disposed of by them.

The following Address of the House of Assembly in Barbadoes, was delivered by Samuel Estwick, *Esq. the Agent of that Island, to Lord* George Germain.

"To the KING's Most Excellent Majesty.

"Most gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the representatives of the people of this island, beg leave to implore your Majesty's favour under the greatest of all calamites which we have yet endured, a dreadful tempest, which, arising on the 10th of this month, and continuing for the space of near thirty hours, has thrown down or otherwise destroyed almost all the dwelling-houses both of our towns and country, most of the churches in each, as well as public edifices, along with the buildings of our sugar-works, both large and small; and by rooting up the trees and levelling the plants also of the earth to the ground, has spread the scene of ruin and desolation over the whole island; great numbers of persons, both white and black, have been killed, and a still greater number of cattle, so necessary to the manure of our lands, as well as for labour and for food, have perished; and this dreadful event, following all our former disappointments and distresses, renders many of our planters and other inhabitants utterly unable to re-build their works, or even to provide a comfortable shelter for themselves and families; and all others, though in better circumstances, find themselves, from the want of lumber and other materials, at this unhappy period, under difficulties discouraging and almost insuperable. Would to God, however, that we had now recounted to your Majesty the utmost of our distress and apprehensions; but one circumstance, Sir, of still greater terror to us remains to be unfolded; for, by the destruction of great quantities of the Indian corn, lately gathered in and stored for the subsistence of our negroes, and from the length of time that must naturally pass before a new crop can be reaped, we dread a scarcity of our grain, and that a famine will compleat that misery which the tempest may then seem only to have begun. Yet, trusting in the mercies of an Almighty and Good Being, for saving us, by a blessing on our

industry and care from that most fatal consequence of his late awful judgment, we now throw ourselves at your Majesty's feet to implore your royal favour, and the nation's bounty, under your Majesty's most gracious countenance, to enable us to bear up under this dreadful shock of our finances, and assist us to repair the uncommon damage we have sustained; or we have but too just cause to fear that your Majesty's most ancient and ever loyal colony of Barbadoes, may be lost in every point of valuable consideration to the crown and parent state, and sink themselves into an abyss of indigence and despair.

By order of the House,

House of Assembly, Oct. 31, 1780. } JOHN GAY ALLEYNE, Speaker."

Mr. Burke. Mr. *Burke* applauded the liberality of the proposed relief, and the judgment with which Lord North had proportioned the distribution of it. He thought clearly, that Barbadoes should have more of the money which Parliament could afford to give, than Jamaica, for the reasons that had been urged by the noble lord, and also that because in Jamaica only a part of a community, a rich and generous community, had suffered; but the whole of the island of Barbadoes had been ravaged and almost wholly desolated. None could help his neighbour. To Barbadoes therefore, we must yield the melancholy pre-eminence. And when I say this, said Mr. Burke, I speak with impartiality, and more than impartiality, for I have the honour of knowing many of the inhabitants of Jamaica; but with those of Barbadoes I am wholly unacquainted.

Mr. Burke, in answer to Mr. Pulteneye, said that it could not be expected that the noble lord could have any data for fixing with precision, a sum adequate to the necessity of the case in question. If the sums proposed exceeded the relief of extreme want, so much the better. If any alteration were to be made in the sums proposed with so much liberality and judgment, he would rather be for extending than reducing them. But though he should ever be desirous of straining the ability of Parliament to relieve distress, yet he did not think that Parliament were obliged by any law whatever, to make up the losses that might in the course of Providence, fall on our fellow subjects. As to any distinction between an indemnification for a loss, and such assistance as might support the sufferers in the mean time, and put them in a way of resuming their habits of industry, he thought the former

was

was in no ſmall degree implied in the latter. A committee ſhould be appointed, conſiſting of the agents for the iſlands, and the Weſt India merchants, who ſhould determine, in the face of the world and of one another, the moſt proper mode of effecting the humane purpoſes of the King and Parliament. The judgments of all men were too apt to be warped by partial motives and views. As a counterbalance to this diſpoſition, it was that he propoſed that the committee ſhould be as public as poſſible. The committee ſhould determine the kinds of relief that ſhould be ſent to the Weſt Indies; and the individual application of the means of relief ſhould be committed to the governors or church-wardens, or others who are acquainted with the circumſtances of the various ſufferers. Parliament ſpecifies the ſum they can afford to give; the committee determines the quantity of the ſpecies of materials to be ſent; and the moſt reſpectable inhabitants on the iſland, make the application of relief to the exigencies of individuals.

Sir *W. Guiſe* thought that the ſums propoſed ſhould go to the relief of the iſlands without any fees or deduction. Sir *W. Guiſe.*

Lord North and the whole Houſe agreed to this propoſal. Three reſolutions were formed in the committee; one, to grant eighty thouſand pounds for the relief of Barbadoes; another, to grant forty thouſand pounds for the relief of Jamaica; and a third, that theſe ſums be paid for the uſe of the ſufferers without any deduction.

This day, Mr. Jenkinſon, ſecretary at war, preſented to the Houſe, purſuant to their addreſs, the following papers:

State

State of His Majesty's British regular Land-Forces, Officers included, in North America and the West Indies, as they were at the end of the Year 1779, taken from the last Returns dated within that Year.

		Officers present. Commission	Officers present. Staff	Non-commission.	Rank and file.	Total Officers included.	Rank and file wanting to compleat.
North America,	Under Sir Henry Clinton, by monthly return of Dec. 1, 1779,	591	83	1402	17077	19153	3648
	Under General Haldimand, by monthly return of Dec. 1, 1779,	114	32	230	3009	3385	831
	Under the convention, by monthly return of August 1, 1779,	134	26	258	1228	1646	2532
West Indies.	By monthly return of Dec. 1, 1779;	276	66	712	6076	7130	4238

War-Office, January 23, 1781.

C. JENKINSON.

An Account of the Men lost and disabled in His Majesty's Land-Service, including two Battalions of Marines, serving on Shore, by Death, Captivity, Desertion, Wounds or Sickness, in North America and the West Indies, from November 1, 1774, to the Date of the last Returns, inclusive distinguishing each Year's Corps and Service, so far as the same can be made up from Papers in the War-Office.

Years.	*Service.*	*Corps.*	*Dead.*	*Total number of prisoners by the last return of each year.* (1)	*Deserted.*	*Discharged.* (2)
1774,	North America, under Generals Gage and Haldimand,	British	30	000	47	16
	West Indies	Ditto	39	000	4	20
1775,	North America, under Generals Haldimand, Gage, and Howe,	Ditto	781	000	115	249
	West Indies	Ditto	121	000	48	148
1776,	North America, under Sir William Howe,	Ditto	869	744	192	619
	North America, under Sir Guy Carleton,	Ditto	200	48	68	36
	West Indies	Ditto	86	000	80	38
1777,	North America, under Sir William Howe,	Ditto	1202	1274	282	490
	North America, under Sir Guy Carleton,	Ditto	81	162	20	29
	North America, under General Burgoyne, (3)	Ditto	220	(4) 484	487	5
	West Indies	Ditto	303	000	105	40

Years.		Service.	Corps.	Dead.	Total number of the prisoners by the last return of each year. (1)	Deserted.	Discharged. (2)
1778,	North America,	under Sir William Howe,	British	1311	641	628	1281
		under Sir Guy Carleton,	Ditto	117	146	32	87
		under the convention of Saratoga, (5)	Ditto	61	(6) 381	546	83
	West Indies		Ditto	236	000	104	71
1779,	North America,	under Sir Henry Clinton,	Ditto	1154	1020	263	444
		under General Haldimand,	Ditto	42	165	27	87
		under convention,	Ditto	8	259	176	000
	West Indies		Ditto	1054	000	122	34
1780,	North America,	under Sir Henry Clinton,	Ditto	No return.	No ret.	No ret.	No ret.
		under General Haldimand,	Ditto	58	166	38	30
		under convention,	Ditto	3	256	172	000
	West Indies		Ditto	2036	00	145	178

(1) The war-office have not the means of afcertaining the number of men loft by captivity, having no account of what the whole number of prifoners taken in any one year may be, or of the prifoners that may

have been exchanged in the courſe of it. They only know what the number of priſoners are at the time that the return is made.

(2) The monthly returns not aſſigning the reaſons for which ſoldiers are diſcharged, the war-office cannot, agreeable to the directions of the order of the Houſe of Commons, diſtinguiſh thoſe men who are loſt or diſabled by wounds or ſickneſs; the whole number diſcharged are, therefore, ſtated in which thoſe diſmiſſed for miſbehaviour, claimed as apprentices, claimed by other corps, draughted from one regiment to another, or diſcharged for variety of cauſes beſides that of inability to ſerve longer, are included.

(3) (4) (5) (6) The priſoners of the army under theſe heads, are ſuch as were taken by the enemy previous to the convention of Saratoga. The men comprehended in the convention have never been allowed to be priſoners of war; their caſualities by death and deſertion, and the numbers diſcharged, are regularly given. The effectives detained in America, contrary to the convention, are as follow:

	British rank and file.
By return of November 17, 1777,	2883
Ditto 1, 1778,	1838
Auguſt 1, 1779,	1228
Ditto 1, 1780,	796

War-Office, Jan. 23, 1781.

C. JENKINSON.

Totals of the Embarkation Returns of all the British Corps and Recruits which have been sent from Great Britain or Ireland, to any Part of North America or the West Indies, in the Years 1778, 1779, and 1780, distinguishing each Year.

Years.	Corps.	Commissioned officers. Colonels.	Lieutenant-colonels.	Majors.	Captains.	1st Lieutenants.	2d Lieut. or ensigns.	Staff officers. Chaplains.	Adjutants.	Quarters masters.	Surgeons.	Mates.	Non commissioned officers, drummers and fifers. Serjeants.	Corporals.	Drummers and fifers.	Private men.	Total strength officers included.	Total number of men, officers included, embarked each year.
1778.	70th foot	0	1	1	6	10	6	0	1	1	1	1	29	27	22	485	591	3774
	74th ditto	0	1	0	4	18	8	1	0	0	1	1	50	49	22	854	1040	
	82d do. 6 comp.	1	0	1	4	14	2	0	1	1	1	1	29	30	14	568	667	
	Recruits	0	0	0	0	0	0	0	0	0	0	0	00	00	00	1476	1476	
1779.	76th foot	0	1	1	8	20	8	0	1	1	1	2	49	50	22	898	1062	6871
	79th ditto	0	0	1	6	21	7	0	1	1	1	2	48	50	22	957	1117	
	80th ditto	0	0	2	6	19	7	0	1	1	1	2	50	50	22	863	1024	
	82d do. 4 comp.	0	0	1	1	7	5	0	0	0	0	1	20	22	8	350	414	
	88th ditto	1	1	1	7	9	6	0	1	1	1	1	30	40	21	710	831	
	89th ditto	1	0	1	4	8	6	0	1	1	1	1	29	33	22	650	758	
	Recruits	0	0	0	0	0	0	0	0	0	0	0	00	00	00	1665	1665	

	1st foot. 1st bat.	0	1	1	8	11	7	0	1	1	1	1	30	40	22	666	790	
1780.	1-th ditto	0	1	1	6	11	8	0	1	1	1	1	30	40	22	668	791	
	69th ditto	0	1	1	7	11	6	0	1	1	1	1	29	39	21	644	763	
	85 h d tto	0	1	2	7	10	5	0	1	1	1	1	25	35	18	586	693	
	86th ditto	1	1	1	6	9	8	0	1	1	1	1	30	37	22	592	711	
	87th ditto	0	1	2	6	11	6	0	1	1	1	1	26	36	22	612	726	
	90th ditto	1	0	2	7	8	7	0	1	1	1	1	27	35	22	599	712	10237
	91st ditto	1	1	1	5	6	7	0	1	1	0	1	26	39	22	568	679	
	-d ditto	0	1	2	7	8	8	0	1	1	1	1	29	40	22	642	763	
	93d ditto	1	1	1	8	7	5	0	1	1	1	1	26	34	21	480	588	
	94th ditto	1	0	1	6	9	7	0	1	1	1	1	26	26	22	563	665	
	99th co. 9 comp.	0	0	1	6	6	8	0	1	1	1	1	27	36	20	603	711	
	Recruits	0	0	0	0	0		0	0	0	0	0	00	00	00	1645	1645	
	Total	8	13	25	125	231	139	1	19	19	19	19	665	787	432	18374	20882	20882

War-Office, Jan. 23, 1781.

C. JENKINSON.

An Account of all the Men raised in Great Britain and Ireland, for His Majesty's Land Forces on the British Establishment, (Militia and Fencible Men in North Britain not included,) from the 29th of September 1774, to the 29th of September 1780, distinguishing each Year.

	Number of men raised.
From 29th Sept. 1774, to 29th Sept. 1775,	3575
30th Sept. 1775, to 29th Sept. 1776,	11063
30th Sept. 1776, to 29th Sept. 1777,	6882
30th Sept. 1777, to 29th Sept. 1778,	23978
30th Sept. 1778, to 29th Sept. 1779,	16154
30th Sept. 1779, to 29th Sept. 1780,	15233
Total	76885

War-Office, Jan. 23, 1781.

C. JENKINSON.

Lord Lisburne, from the admiralty, presented the following papers:

Navy-Office, Jan. 1, 1781.

An Account of the Number of the Men who have died in actual Service in His Majesty's Navy since the 1st Day of January 1776, distinguishing (as far as may be) those who have been killed by the Enemy; and also, of the Number of such Men as have deserted the said Service in the same Period, as far as the several Accounts can be made up, distinguishing each Year.

	Number of men who have died in actual service.			
Years.	*Died.*	*Killed by the enemy.*	*Total.*	*Numb. of men who have deserted the service.*
1776,	1679	105	1784	5321
1777,	3247	40	3287	7685
1778,	4801	254	5055	9919
1779,	4726	551	5277	11541
1780,	4092	293	4385	7603
Total	18545	1243	19788	42069

C. MIDDLETON.
J. WILLIAMS.
T. BRETT.
G. MARSH.

Navy-Office, Jan. 23, 1781.

An Account of all the Men raised for His Majesty's Navy, Marines included, from the 29th of September 1774, to the 29th of September 1780, distinguishing each Year, prepared pursuant to a Precept of the Honourable House of Commons, dated the 5th of December 1780.

	Year.	No. of men raised.
From 29th September,	1774,	345
	1775,	4735
	1776,	21565
	1777,	37457
	1778,	41847
	1779,	41831
To 29th September,	1780,	28210
Total		175990

C. Middleton, J. Williams,
G. Marsh, T. Brett,
E. Lecras.

To the Honourable the Knights, Citizens, and Burgesses, in Parliament assembled.

The Second Report of the Commissioners appointed to examine, take, and state, the Public Accounts of the Kingdom.

[See the First Report in page 120.]

PURSUING the line of inquiry marked out in our first report to the legislature, namely, an examination of the balances in the hands of those accountants who receive money from the subject, to be paid into the exchequer; that we might omit no office of receipt, and no receiver of the public revenue under that description, we obtained from the office of the auditor of the exchequer, "A list of all the public offices where money is received for taxes or duties, and of the names of all persons who are receivers of public money raised upon the subject by taxes or duties, and who pay the same into the exchequer." (Appendix, No. 1.)

We have examined into the manner in which the public revenue is collected, received, and paid into the exchequer, in all these offices, and by all these receivers.

In the customs, the receiver general, William Mellish, esquire, certified to us, that upon the 10th of September last, (No. 2.)

there was in his hands, exclusive of the current weekly receipt of the duties of the customs, the sum of four thousand four hundred and twelve pounds three shillings and ten pence; which sum was the amount of certain collections transmitted to him, either from the plantations, or particular out ports; and was to continue in his hands no longer than until the comptroller general, as to some parts of it, and the commissioners, as to other parts, should direct under what heads of duties the several items, of which this sum was compounded, should be arranged, and paid into the exchequer, or otherwise disposed of. Mr. Mellish has informed us, that part of sum has been paid by him, according to orders of the commissioners and comptroller general; and that the other part thereof, amounting to three thousand two hundred eighty-eight pounds fourteen shillings and eleven pence farthing, was remaining in his hand the 20th instant; this remainder, we are of opinion, the commissioners and comptroller general should in their several departments arrange, and the receiver general should pay according to such arrangement as speedily as possible. No. 3.

By the examinations of Joshua Powell, esquire, chief clerk to the comptroller general; and of Mr. Anthony Blinkhorn, assistant to the receiver general, it appears that the duties of the customs are collected by officers, either in London or at the out ports: in London, the chief teller every day receives them from the collectors, and pays them into the office of the receiver general; at the out ports, the collectors remit their receipt by bills to the receiver general, and are not permitted to retain in their hands above one hundred pounds, unless for special reasons, allowed of by the commissioners, and by the lords of the treasury. The nett produce of every duty received in each week, is paid by the receiver general in the following week into the exchequer. No. 4. No. 5.

In the excise, we find, from the examinations of George Lewis Scott, esquire, one of the commissioners, and of Richard Paton, esquire, second general accountant (both annexed to our first report) that the collectors retain in their hands no part of the duties they receive; and that the receiver general every week pays into the exchequer the nett produce of this revenue, unless some foreseen demands in the following week make a reservation of any part of it necessary.

In the stamp office, we examined Mr. James Dugdale, deputy receiver general; and Mr. John Lloyd, first clerk to the No. 6. No. 7.

the comptroller and accountant general; from whom we collect, that the whole produce of these duties, arising either from the receipt at the office in London, or from bills remitted from the distributors in the country, is paid every week into the exchequer.

No. 8. No. 9. In the salt office, Milward Rowe, esquire, one of the commissioners, and Mr. John Elliot, correspondent, were examined: The collectors of these duties are continually remitting their receipt to the office in bills; every week the account is made up, and the whole balance paid into the exchequer, reserving always, in the hands of the cashier, a sum not exceeding five hundred pounds, for the purpose of defraying the incidental expences of the office.

No. 10. In the office for licensing hawkers and pedlars, we learn from Mr. James Turner, one of the commissioners, that the riding surveyors keep remitting to this office, in bills, the duties they receive in the country; which the cashier pays, together with what he receives in London, weekly, into the exchequer, pursuant to the act of the 9th and 10th of King William the third, provided his whole receipt amounts to more than two hundred pounds; reserving in his hands such a sum as may be sufficient for the payment of salaries, incidents, and current expenees.

No. 11. In the office for regulating hackney coaches and chairs, we collect from the examination of Mr. Joseph Marshall, clerk to the receiver general, that the duties or rents of the hackney coaches become due every lunar month, and of the hackney chairs every quarter; and these rents being usually paid within a certain time after they become due, the receiver general makes a payment of one thousand pounds into the exchequer every twenty-eight days, except that each of his quarterly payments amounts to five hundred pounds only, as he then reserves in his hands a sum for the payment of salaries and the incidental expences of the office.

The punctuality and expedition with which the duties collected in these offices pass from the pocket of the subject into the exchequer, leave us no room to suggest any alteration in the time or manner of paying in the same.

No. 12. No. 13. No. 14. No. 15. In the post office, Robert Trevor, Esq. the receiver general, in answer to our precept, returned a balance of nine thousand three hundred fifty eight pounds two shillings, in his hands upon the 5th of September last. From his examination, and from those of William Fauquier, Esq. accountant general in this office, and of Mr. William Ward, collector of

of the bye and cross road office, it appears, that this revenue is paid into the office of the receiver general, either by certain officers or collectors in London (some paying every other day, some weekly, and some quarterly, or by remittances in bills from the post masters in the country) who do not keep the money they receive any considerable time in their hands. The collector of the bye and cross road office makes his payments to the receiver general quarterly, and to the amount of about fifteen thousand pounds each quarter. The receiver general pays into the exchequer seven hundred pounds every week, pursuant to the act of the 9th and 10th of Queen Anne, chapter the 10th, and the balance in his hands he pays in every quarter, reserving about five thousand pounds to answer incidental warrants from the board, to pay salaries and other expences of the office.

There are four branches of the revenue which are collected not under the direction of commissioners, but by single persons only: These are the first fruits and the tenths of the clergy; and the deductions of six pence, and of one shilling, in the pound out of pensions, salaries, fees, and wages.

We examined Edward Mulso, esquire, the receiver, and No. 16.
John Bacon, esquire, the deputy receiver, of the first fruits; No. 17.
who informed us, that this revenue is received from the clergy, at the office in London; that at the end of October, or the beginning of November, in every year, this receiver pays into the exchequer the net receipt of the preceding year,
ending 31st of December; and that the balance of this duty, No. 18.
in his hands, upon the 30th of November last, was four thousand three hundred thirty-two pounds eight shillings and eleven pence three farthings.

Robert Chester, esquire, the receiver of the tenths, being No. 19.
examined, we find that these payments become due from the clergy every Christmas, that they ought to be made before the last day of April following, and if they are not made before the 31st of May, he delivers an account of the defaulters into the exchequer; that he receives these payments, together with the arrears of former years, during the following year, ending at Christmas, to which time he makes up his yearly account, and in the month of June or July after, he has, for the last three years, paid into the exchequer the net receipt of the preceding year; and it appears, that, upon the 20th of
December last, the sum in his hands was nine thousand eight No. 20.
hundred and ninety pounds and two pence halfpenny.

 Both

Both these dues from the clergy are granted in purfuance of the 2d and 3d of Queen Anne, chapter 11th, to the corporation called The Governors of the Bounty of Queen Anne, for the augmentation of the maintenance of the poor clergy. These governors ufually hold their firft meeting fome time in November every year, a fhort time before which it has been cuftomary for thefe receivers to make their payments into the exchequer.

No. 21. Thomas Aftle, efquire, receiver of the fixpenny duty, collects it from the offices and perfons charged, either quarterly, half-yearly, or yearly, according to the practice of the office or perfon he receives it from: He has no ftated times for his payments into the exchequer, except that in March or April, every year, he pays in the balance then in his hands, of his laft year's colection. By his return to us, upon the 16th of

No. 22. December laft, the fum of fix thoufand eight hundred eighty one pounds feven fhillings and eleven pence, was then remaining in his hands; but this fum, as he has fince informed us, he has paid into the exchequer, together with the balance of his year's account, ending the fifth inftant.

No. 23. Richard Carter, efquire, receiver of the one fhilling duty, collects it from different offices, at different times: He ufually makes payments every quarter into the exchequer, and once a year pays in the balance. The fum in his hands, upon the 20th October laft, was two thoufand and fifty pounds fifteen fhillings and feven pence; and he has fince

No. 24. fignified to us, that he has paid the fame into the exchequer.

The intention of that claufe in the act, which directs our firft inquiries to the public money in the hands of accountants, is, that the public may the fooner avail themfelves of the ufe of their own money: one of the indifpenfible means of obtaining this end is, to accelerate the payments of the revenue into the exchequer.

Out of the revenue of the poft office, the act of Queen Anne orders a payment of feven hundred pounds every week into the exchequer, and affigns as a reafon, "the raifing a prefent fupply of monies for carrying on the war, and other her Majefty's moft neceffary occafions." The neceffary occafions of thefe times, require payments as large and as frequent as can be made. It appears from an account of the net produce of the revenues of the poft office at the time the

No. 25. act of Queen Anne paffed, and from the accounts of the prefent weekly receipts of thefe revenues, and of the balances paid quarterly into the exchequer, tranfmitted to us

from the receiver general, that the revenues of this office are much increased, and that the current weekly receipt will supply a much larger payment than seven hundred pounds. We are therefore of opinion, that the method of paying the balance every week into the exchequer, established in the customs, excise, and other offices above-mentioned, should be adopted in the post office; and that the receiver general should every week pay the net balance of his receipt into the exchequer, reserving in his hands no more than is necessary to answer the current payments and expences of the office.

It appears to be customary for the receiver of the first fruits, to detain in his hands the produce of the whole year, until eight or nine months after that year is ended, besides receiving the current produce of those months; and for the receiver of the tenths to detain in his hands, for at least a year, the whole of this duty, received by him before the 31st of May in each year (at which time he delivers a list of the defaulters into the exchequer) besides receiving the current produce of that year. It appears likewise, that the receivers of the sixpenny and shilling duties, do not pay into the exchequer the whole produce of these duties as they receive them. All such detentions are, in our opinion, a disadvantage to the public, and liable to abuse. There exists no reason why the public should not have the custody and use of public money, rather than an individual, until the service to which it is appropriated, of whatever nature that service may be, calls for its application: the public coffers are the safe repository for public money.

One purpose among others, expressed in the act that appoints us, is, that any defect in the present method of collecting the duties may be corrected, and that a less expensive one may be established; and we are expressly directed to report such regulations, as in our judgment shall appear expedient to be established, in order that the duties may hereafter be received in the manner the most advantageous to the public.

We therefore, in obedience thereto, think it our duty to subjoin one observation, that has occurred to us during the progress of our inquiries.

The land tax, and the duties arising from stamps, salt, licences to hawkers and pedlars, and from hackney coaches and chairs, are under the management of five separate and distinct boards of commissioners, consisting of twenty-five in number: the amount of the gross produce of the last four of No. 28.

these duties, by the returns made to our precepts, is eight hundred thirty one thousand one hundred twenty-six pounds three shillings and one penny three farthings; of the net produce, seven hundred sixty thousand five hundred forty-eight pounds fifteen shillings and six pence. The time in which the commissioners are usually engaged in transacting the business of their several offices is as follows: the attendance of the commissioners of the land tax, at their office, is thrice a week; of the stamp office, thrice a week; of the salt office, twice a week; of hawkers and pedlars, once a week; of hackney coaches and chairs, once a week.

We are aware, that the comparative produce of different duties, is not alone a criterion by which we may judge with precision and certainty of the time, trouble, expence, and number of officers necessary to be employed in the management of them; to have formed an accurate and decisive opinion upon this point, it would have been necessary to have entered into an examination, which would have carried us too far from the object of our present inquiry; but we are of opinion, that the small produce of some of these duties, and the short time in which each of these five boards are able to transact their business, are circumstances which induce a strong presumption, that so many establishments are not necessary for the management of these branches of the revenue; and which lay a reasonable foundation for an inquiry, whether there may not be formed a consolidation of offices, beneficial to the public. This suggestion we submit to the wisdom of the legislature.

Office of Accounts,
Bell-Yard,
31st of January, 1781.

GUY CARLETON, (L.S.)
T. ANGUISH, (L.S.)
A. PIGGOTT, (L.S.)
RICH. NEAVE, (L.S.)
SAM. BEACHCROFT, (L.S.)
GEO. DRUMMOND. (L.S.)

APPENDIX

APPENDIX.

No. 1.

A List of all the Public Offices, where Money is received for Taxes or Duties, and of the Names of all Persons who are Receivers of Public Money (omitting the Receivers General of the Land Tax) raised upon the Subject by Taxes or Duties, and who pay the same into the Exchequer.

The Custom house,
Excise office,
Stamp office,
Post office,
Salt office,
Hawkers and pedlars office,
First fruits office,
Tenths office,
Hackney coach and chair office,

Receivers of the land tax, duty upon houses and windows, and tax upon men servants.

Thomas Astle, Esq; receiver of the deductions of 6d. *per libr.* on pensions.

Richard Carter, Esq; receiver of the deductions of 1s. *per libr.* on pensions.

JOHN HUGHSON.

Exchequer, the 5th day
of December 1780.

No. 2.

The Account of the Public Money now remaining in my Hands, Custody, or Power, as Receiver General of his Majesty's Customs.

	£.	s.	d.
Bahama islands, Jackson, comptroller general to direct the application, - -	60	—	—
Sandy Point, St. Christopher's, Bennet collector, do. - - -	169	15	4¼
Rosseau, Dominica, Senhouse collector, do.	517	—	—
Do. —— Dewar late collector, do.	455	3	6
Kingston, Jamaica, Trelawney late collector, do. - - - -	25	10	—
Carried over	1227	8	10¼

Brought

Appendix.

Brought forward ———	1227	8	10¾
Kingston, Jamaica, Davison collector, do.	2350	—	5
Montego-bay do. Hamilton collector, do.	136	11	9
Savannah la Mer, do. Swiney collector, do.	2	3	7
Grenvil in Grenada, Proudfoot collector, do.	92	10	9
Wear, per Burridge, does not appear on what account this was paid, - -			
Hull, Burrow, Mulots, commissioners to direct the application, - -	300	—	—
Newcastle, Sunderland, Mulots, do.	160	—	—
Rochester, Nightingale, Mulots, do.	12	10	—
Shoreham, Pelham, salary, do.	6	8	5¼
Chepstow, Davis collector, comptroller general to direct the application,	—	6	9¾
Cowes, Read late collector, do.	6	11	10¼
Cowes, Gill late collector, do. - -	—	10	3¼
Dartmouth, Tremlett late collector, do.	66	9	11¼
Deal, Lance late collector, do. - -	—	4	2¼
Minehead, Adams late collector, do. -	—	2	5¾
Penzance, Scobell collector, do. -	20	2	7½
Sandwich, Sayer late collector, do. -	4	16	4½
Shoreham, Crowley late collector, do. -	25	4	4
	£. 4412	3	10

Besides these sums, I have daily a running cash in my hands, from £. 1,000 to £ 100,000, and sometimes more, which is paid weekly into the exchequer.

W. MELLISH.

Blyth,
10th September, 1780.

No. 3.

To the Commissioners of the Public Accounts.

Gentlemen,

The sum of £. 4,412 3s 10d. which was in my hands on the 10th of September last, according to the return made to you of that date, was the amount of certain collections transmitted to me, either from the plantations or particular out ports, and to continue in my hands no longer than until the comptroller general, as to some parts, and the commissioners of the customs, as to other parts, should direct to what heads of duties, the items of which this sum was compounded should

should be arranged, and paid into the exchequer, or be otherwise disposed of. Appendix.

The following sums have been applied by the comptroller general, and were paid into the exchequer.

	£.	s.	d.
1780. Sept. 20th. Sandy Point, St. Christopher's, Bennet collector, -	169	15	4¼
Oct. 4. Kingston, in Jamaica, Davison, collector, -	17	3	6
And also the sum of £. 225 was paid to William Bruce, for rent of the custom house at Tobago.			
Nov. 8th. Chepstaw, Davies collector	—	6	9¼
Cowes, Read late collector	6	11	10¾
Do. Gill late collector	—	10	3¼
Deale, Lance late collector	—	4	2¼
Minehead, Adams late collector	—	2	5¼
Penzance, Scobell, collector	20	2	7¼
Sandwich, Sayer late collector	4	16	4½
Shoreham, Crawley late collector	25	4	4
Dec. 29th. Montego Bay, Jamaica, Hamilton, part of £. 136. 11s. 9d.	82	1	9
1781. Jan. 10th. Grenville in Grenada, Proudfoot, - - - -	92	10	9
Paid William Bruce, as above mentioned,	225	—	—
And the following sums were paid by me into the hands of the receiver of the superannuation fund, on the 15th of September, by order of the commissioners;			
Hull, Burrow collector, Mulcts -	300	—	—
Newcastle, Sunderland collector, do.	160	—	—
Rochester, Nightingale collector, do.	12	10	—
Shoreham, Pelham collector, salary	6	8	5¼
	1123	8	10¼
The remaining sum still remains in my hands unappropriated -	3288	14	11¾
	£. 4412	3	10

Custom house,
January 20th, 1781.

W. Mellish.

No. 4.

No. 4.

The Examination of Joshua Powel, *Esq. Chief Clerk to the Comptroller General of the Customs; taken upon Oath, the 14th of* December 1780.

This examinant saith, That he is chief clerk to the comptroller general of the customs; in which office he has been above thirteen years.

It is the business of his office to keep the accounts of all the collectors, who are the persons that receive all the duties of the customs; most of these collectors are nominated by the treasury, and appointed by the commissioners; some of them are appointed by patent: the number consists of five in London, and seventy-two in the out ports.

The collectors in London send to the office of the comptroller general, a weekly account of what they have received, under the distinct heads of duties, of what they have paid to the receiver general, and upon debentures or otherwise; the debit of which account is signed by the collector, and by his comptroller, by the surveyor and surveyor general; except the account of the collector of the duties on coals, which is signed by him and by the coal comptroller only.

The collectors of the out ports send up every month to the board, an abstract of their receipts and payments. This abstract is sent to the comptroller general, who transmits to the commissioners of the customs an account of the balances due from each collector, taken from these abstracts; which account they send to the treasury. The collectors are not permitted to keep more than one hundred pounds in their hands, unless for some good reasons, allowed by the commissioners, and by the treasury.

They also, every quarter, send up to the board books containing all their transactions of that quarter; which books, after they are examined, and signed by the examiner, and surveyor general of the out ports, are sent to the comptroller general's office.

The comptrollers, likewise, of the out ports send up, at the same time, their account of the same transactions, which is a check upon the accounts of the collector.

Every collector sends up likewise annually to the office, an abstract of the year's transactions, which account is signed by himself and his comptroller.

From these books and abstracts the comptroller general makes up the general account every year, and passes it in the office of the auditor of the imprest; the last declared account is for

year 1769, but all the accounts are delivered into the auditor's office down to the year 1777 inclusive, and in about a fortnight, that for the year 1778 will be delivered in also. Appendix.

The account passed in the auditor's office by the receiver general, is the cash account; that passed by the comptroller is the general account.

Guy Carleton,
T. Anguish,
A. Piggott,
Geo. Drummond.

JOSHUA POWELL.

No. 5.

The Examination of Mr. Anthony Blinkhorn, *Assistant to the Receiver General of the Customs; taken upon Oath, the* 11*th of December*, 1780. Anthony Blinkhorne.

THIS examinant saith, that the money received from the customs in London is daily paid into the receiver general's office, by the chief teller, and, every Saturday, is carried to the bank; the bills for the duties received at the out ports are also transmitted to the receiver general, and he sends them to the bank to be received. Every Tuesday, by the constant practice of the office, the receiver general gives the chief teller a draught upon the bank, for the whole amount of the balances of every duty paid in the Saturday preceding, and for the cash received for bills brought to account, to be paid into the exchequer; and the chief teller brings back tallies for those payments, and delivers them to the receiver general.

The year's accounts are made up to the 5th of January every year, and are passed by the auditors of the imprest.

Guy Carleton,
T. Anguish,
A. Piggott,
Richard Neave,
Samuel Beachcroft,
Geo. Drummond.

A. BLINKHORN.

No. 6.

James Dugdale. *The Examination of Mr.* James Dugdale, *Deputy Receiver General of the Stamp Duties; taken upon Oath, the 11th of December*, 1780.

THIS examinant saith, That all stamps issued from the office in London, are paid for in ready money; those issued into the country, are sent from the warehouse to persons called distributors, who are appointed by the treasury, and who remit the money due from these stamps, to the receiver general, by bills of exchange.

That the whole of the money received at the office, and bills when turned into cash, are, by an order signed by the commissioners, paid weekly into the exchequer. The whole account of these duties is every year made up to the 2d of August, inclusive, and the balance remaining paid into the exchequer; and the receiver passes his yearly account in the office of the auditor of the imprest.

Guy Carleton, JAMES DUGDALE.
T. Anguish,
A. Piggott,
Samuel Beachcroft,
Geo. Drummond.

No. 7.

John Lloyd. *The Examination of Mr.* John Lloyd, *First Clerk to the Comptroller and Accountant General of the Stamp Office; taken upon Oath, the 14th of December*, 1780.

THIS examinant saith, That he has been in this office about fifteen years; and that it is one branch of his business to keep the accounts of the distributors of the stamps in the country; by order of the commissioners, he charges the distributors, who are in number about fifty-five, with the stamps respectively sent to them, and they keep remitting every day the duties received for the stamps they dispose of, chiefly by bills. On the 2d of August every year, each distributor makes up his account, swears it before a justice of peace, and transmits it to the commissioners, who deliver it to the comptroller. These distributors, as he has heard, and believes, give security to the commissioners, proportioned to the extent of their district; and he never heard any complaint of their keeping the duties in their hands. The comptroller swears

ſwears to his accounts every year before the barons of the exchequer, and paſſes them in the office of the auditor of the impreſt; and the accounts of the comptroller include thoſe of the receiver general. The number of the commiſſioners of the ſtamp duties is five, and they meet every other day, and oftener, if neceſſary, upon the buſineſs of the office. Appendix.

Guy Carleton, JOHN LLOYD.
T. Anguiſh,
A. Piggott,
Richard Neave,
Samuel Beachcroft,
Geo. Drummond.

No. 8.

The Examination of Milward Rowe, *eſquire, one of the Commiſſioners of the Salt Office; taken upon Oath, the 12th of December,* 1780. *Millward Rowe.*

THIS examinant ſaith, that the duties on ſalt are received by perſons in the country, called collectors, appointed by the commiſſioners, and who are continually remitting to the board the duties collected by them, in bills; which bills are ſent to the caſhier, who receives them when due; and the Monday after the bills are paid, the account is made up, and on the next Wedneſday the whole balance is paid into the Exchequer, reſerving always in the hands of the caſhier a ſum not exceeding five hundred pounds, for the purpoſe of paying incidental expences. The accounts are yearly made up to the 5th of April, and are ſworn to by three commiſſioners, before the curſitor baron of the Exchequer.

Guy Carleton, M. ROWE.
T. Anguiſh,
A. Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No 9.

The Examination of Mr. John Elliot, *Correſpondent in the Salt Office; taken upon Oath, the 19th of December,* 1780. *John Elliot.*

THIS examinant ſaith, this duty is paid at the ſalt works, by the proprietor of the works, to the collectors in the country.

Appendix. The usual practice is this:—The charge of the duty is made upon the proprietor by an officer, appointed by the office to deliver the salt; he enters in a book, called the score book, the quantity delivered, the time when, and to whom. From this book the supervisor makes a charge upon the proprietor, for the information of the collector; who, from this charge, receives the duties every week, or oftener if necessary, or bonds for those duties, pursuant to the act of parliament.

The collector generally remits to the board every week, by bills, nearly the whole of the week's collection, as far as he can procure bills for that purpose: he is not permitted to retain more money in his hands than is necessary to answer the current expences of his office.

The supervisor sends up to the board, every week, an account current of the transactions of the week, signed by the collector and himself, for the information of the board; and every month the collector makes up his general account of all his receipts, remittances, and payments, and sends it up to the board, signed by himself.

The general accounts of the office are made up to the 5th of April every year, but cannot be completed until near a year afterwards, for want of being able to procure the accounts of the fish curers.

The number of commissioners are five, and they meet generally twice a week, and oftener if business requires it.

Guy Carleton, JOHN ELLIOTT.
T. Anguish,
A. Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 10.

James Turner. *The Examination of Mr.* James Turner, *one of the Commissioners for licensing Hawkers and Pedlars; taken upon Oath, the 13th of December,* 1780.

THIS examinant saith, that he has been, for near forty years, a commissioner for licensing hawkers and pedlars.

The duties arising from the licences granted by this office, are received either by the cashier in London, or by eleven riding surveyors in the country. Those surveyors keep remitting to the office, by bills, the duties received by them for

for the licences they dispose of; a monthly journal of which they usually send up to the office; and in the month of June, every year, they generally come to London, to settle their year's accounts, return the licences undisposed of, and pay in the balance due from them: they are directed never to keep more money in their hands than is sufficient to pay their salaries. Appendix.

The money received at the office, and from bills, is paid by the cashier, in consequence of a general order of the board, every Wednesday into the exchequer, pursuant to the 9th and 10th of William the Third, provided it amounts to more than two hundred pounds, reserving such a sum as may be sufficient for the payment of salaries, incidents, and current expences of the office; and the cashier brings to the board the tallies for the sums paid in.

The commissioners make up their accounts yearly, swear to them before the barons of the exchequer, and then they are sent to the office of the auditors of the imprest, to be examined and passed.

The commissioners are three in number; they usually meet on a Thursday, if they have any business. At the time of granting licences, about Midsummer, they attend eight or ten days together; at other times they frequently do not meet for a month together, unless business requires it.

Guy Carleton, J. TURNER.
T. Anguish,
Geo. Drummond.

No. 11.

The Examination of Mr. Joseph Marshall, *Clerk to the Receiver General of the Duties on Hackney Coaches and Chairs; taken upon Oath, the 13th of December* 1780. Joseph Marshall.

THIS examinant saith, that the duties arising from the rents of hackney coaches and chairs, are all paid to the receiver general, at the hackney coach office in London, in the name of the respective proprietors of the licences or figures. The payment for each coach ought to be twenty shillings every twenty-eight days, or fourteen days after; and for each chair two shillings and sixpence every quarter day, or fourteen days after; and the full payment is usually made within two or three months after it becomes due. The number of coaches are one thousand, and of the chairs four hundred. Of these duties thirteen payments are always made

Appendix. made by the receiver general, every year, into the exchequer. In three of the quarters, the payments are generally two of one thousand pounds each, and one of five hundred pounds; in the other quarter, three of one thousand pounds each, and one of five hundred pounds. In those months when the five hundred pounds only is paid, a sum is reserved for the payment of the quarterly salaries of the officers, and the incidental expences of the office. These payments into the exchequer are made according to the usual course of the receiver's office, without the intervention of the commissioners; the tallies for the payments are brought to the office, and the receiver general makes out a certificate of the receipts, payments, and remains for the month, which he signs, and carries to the board; the register copies the account, which the commissioners sign, and certify to the treasury.

The accounts of the office are usually made up to the 5th of July, about the Christmas following; and the whole balance is then paid into the exchequer.

After the commissioners have examined the accounts, they are carried to the office of the auditor of the imprest to be passed, and the receiver general swears to them, before the barons of the exchequer.

There are five commissioners in this office, and they meet once or twice a week, as the business requires.

Guy Carleton, J. MARSHALL.
T. Anguish,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 12.

No. 42.

General Poſt Office, London.

An Account of Receipts and Payments by Robert Trevor, *eſquire, Receiver General there, from the 29th of Auguſt, to the 5th of September*, 1780.

Caſh Dr.	£.	s.	d.
To a balance remaining the ſaid 29th day of Auguſt, 1780 — —	15,524	10	6
To ſo much received from that time to the 5th day of September following	2,142	10	5
	£.17,667	—	11
Balance as above — —	16,927	—	11

Contra Cr.	£.	s.	d.
By weekly wages paid the letter carriers — — —	40	—	—
By weekly payment into the Exchequer, the 5th of September 1780.	700	—	—
	740	—	—
Balance — —	16,667	—	11
	£.92,667	—	11
Paid by incidents, ſince July 5th 1780	7,568	18	11
Balance in hand —	9,358	2	—
	£.16,927	—	11

ROB. TREVOR.

Appendix.

No. 13.

Robert Trevor.

The Examination of Robert Trevor, *esquire, Receiver General of the Revenue of the Post Office; taken upon Oath, the 12th of December*, 1780.

THIS examinant saith, that he is receiver general of the revenues of the post office, and appointed by patent under the great seal.

The revenue of the post office is received by the receiver general, either in London, or in the country: in London, from the clerks who receive the postage of letters paid at the office; from the collector of the bye and cross roads letter office; from the collector of the penny post office, and the sorter at the chief penny post office; from the inland and foreign letter carriers; and express money from a clerk in the secretary's office: in the country, from the post masters only. Those clerks who receive the postage of inland letters paid at the office, and the inland letter carriers, pay their receipt to the receiver general every Monday, Wednesday, and Friday, according to a charge made upon them by their comptroller; except the postage to America, which is paid once a quarter. The collector of the bye and cross road office pays him, about the end of each quarter, to the amount of twelve or fifteen thousand pounds, upon an average; and the collector of the penny post office pays him, at the same time, about one thousand pounds, upon an average. The clerks who receive the postage of foreign letters paid at the office, and the foreign letter carriers, pay in their receipt every Wednesday, according to a charge made upon them by their comptroller.

The post masters in the country remit their receipt by bills to the secretary of the post office, who delivers them to the accountant general, and he brings them to the receiver general, who deposits them, after acceptance, in the bank, to be received when due. He pays into the exchequer every Tuesday seven hundred pounds, pursuant to the act of the 9th of Queen Anne, and at the same time sends thither a certificate of the balance in his hands; and at the end of every quarter he pays in the balance of his receipt, reserving about five thousand pounds to answer the incidental warrants from the board, which are coming to him continually, to pay salaries, allowances to officers, clerks, and tradesmen; which payments he does not take credit for until the end of the the quarter; because the bill of incidents

cannot be closed until that time. He makes up his accounts Appendix.
annually, and sends them to the office of the auditor of the imprest, to be passed.

Guy Carleton, R. TREVOR.
T. Anguish,
A. Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 14.

The Examination of William Fauquier, *esquire, Accountant General of the Post Office; taken upon Oath, the 15th of December,* 1780. W. Fauquier.

THIS examinant saith, that it is one branch of his office to keep the accounts of the post masters in the country; the charge upon them is made out by the six inland clerks of the roads, and generally sent by them every other day to the accountant general's office.

The account of each post master is sent to him quarterly, examined and signed by the accountant general.

The receiver's bill book is sent to the accountant general's office every day, by which it appears what bills have been remitted by each post master.

The accountant general sends to each post master, every quarter, an account of the balances due to or from him. These accounts cannot be made up from the several books until near six weeks after quarter day, therefore, until that time, they do not know how much the quarter's charge amounts to.

The office expects they shall clear this balance before the expiration of the next quarter; if they are above two quarters in arrear, the solicitor has orders to proceed against them.

The post masters of most of the great towns keep constantly remitting; and they all give security for their offices.

There are but few defaulters, and those not to any considerable amount.

Guy Carleton, W. FAUQUIER, Junior.
T. Anguish,
A. Piggott,
Rich. Neave,
Samuel Beachcroft,
Geo. Drummond.

No. 15.

Appendix. *The Examination of Mr.* William Ward, *Collector of the Bye and Cross Road Office; taken upon Oath, 17th January 1781.*

W. Ward. THIS examinant saith, that he is collector of the bye and cross road office in London, and receives this part of the post office revenue from the deputy post masters in the country; these deputy post masters send up their accounts to the bye road office every month, which accounts are all made up about a month after each quarter day, and are then transmitted back to them, with directions to remit to him the balance in their hands, as soon as they can procure bills; which directions are complied with: these bills are sent under cover to the comptroller in this office, who enters them in a book; he sends them to the accountant, who likewise enters them, and delivers them to the collector, who, after acceptance, sends them to the bank to be received. He pays, according to his instructions, quarterly, one quarter under another, the whole net surplus of his receipt in the preceding quarter, to the receiver general of the post office; which net surplus has been, for these last two years, between fifteen and sixteen thousand pounds a quarter.

Guy Carleton, W. WARD.
T. Anguish,
A. Piggott,
Geo. Drummond.

No. 16.

E. Mulso. *The Examination of* Edward Mulso, *Esquire, Receiver of the First Fruits of the Clergy; taken upon Oath, 22d December,* 1780.

THIS examinant saith, that the net receipt of the first fruits, to the 30th of November last, now in his hands, amounts to four thousand three hundred and thirty-two pounds eight shillings and eleven pence three farthings.

The deductions out of this revenue amount, one year with another, to four hundred and forty-eight pounds six shillings and eight pence, of which deductions he has paid, out of what he has received this year, two hundred and fifty two pounds ten shillings; the balance in his hands, and what more he shall receive during this month, is subject to the payment of the residue of the said deductions, and to no other disbursements that he knows of.

Ever

Ever since he has been receiver, he has paid into the exchequer, between the 28th of October, and the 4th of November, the net receipt of the year ending the 31st of December preceding. Appendix.

Guy Carleton, EDW. MULSO.
T. Anguish,
A. Piggott,
Rich. Neave,
Samuel Beachcroft,
Geo. Drummond.

No. 17.

The Examination of John Bacon, *Esquire, Deputy Receiver of the First Fruits of the Clergy; taken upon Oath, 20th December* 1780. J. Bacon.

THIS examinant saith, That he receives himself all this revenue, at his office, in London, as it arises, from the archbishops, bishops, and clergy. The governors of queen Anne's bounty, to whom this revenue is granted in trust, usually meet in October or November; previous to which, the receiver pays into the exchequer the year's revenue up to the 31st of December preceding. They may, if they chuse, call upon the receiver to pay it in as soon as the year expires; but this has been the usual practice of the office for years past.

This revenue is subject, in the hands of the receiver, to one annuity of one hundred pounds a year, granted in the reign of Charles the Second, and to the salaries of officers, and fees of passing the accounts, and to no other purposes whatever. The accounts are passed every year by the receiver, in the office of the auditor of the imprest.

Guy Carleton. JNO. BACON.
T. Anguish,
A. Piggott,
Geo. Drummond.

No. 18.

Money received by Edward Mulſo, *Eſquire, Receiver of Firſt Fruits, on that Account, from 1ſt January to 30th November 1780, both incluſive, being as far as the Account is made up in this Year.*

	£.	s.	d.
January - -	233	16	3¼
February - -	370	5	6
March - -	241	7	11¼
April - -	751	3	7½
May - -	585	0	4½
June - -	652	7	10½
July - -	216	12	4½
Auguſt - -	66	5	4½
September -	153	18	9
October - - -	205	16	6
November - -	1108	4	4¼
	4584	18	11¼
Deduct payments made in the courſe of the year, to ſaid 30th November 1780	252	10	0
Nett money in receiver's hands, 30th November 1780	4332	8	11¼

N. B. The month December not being expired, is not made up.

Firſt Fruits Office, Temple, Edw. Mulso, Rec.
22d December 1780.

No. 19.

Robert Cheſter.

The Examination of Robert Cheſter, *Eſquire, taken upon Oath, the 20th of December* 1780.

THIS examinant ſaith, That he is collector or receiver of the perpetual yearly tenths of all dignities, offices, benefices, and promotions ſpiritual whatſoever, granted to the corporation of the governors of the bounty of Queen Anne, for the augmentation of the maintenance of the poor clergy, which have not been legally diſcharged by any act or acts of Parliament made ſince the incorporation of the ſaid company; and that the whole of this revenue is received at the office in London, from or on account of the clergy.

4 Theſe

These payments are due from the clergy at Christmas, and ought to be made before the last day of April following; if they are not made before the 31st of May, he delivers an account of the defaulters into the exchequer, but continues receiving until the end of the year, which is the Christmas following, to which time he makes up his yearly account; and about the end of June, or beginning of July, in the same year, delivers into the exchequer an account of all arrears received by him within the former year, ending at the Christmas preceding. Appendix.

On the 8th of June last he paid into the exchequer a sum, which was the amount of his receipt of the tenths due from the clergy at Christmas 1778, and of arrears due before that time, and received by him before Christmas 1779.

The usual time of paying this revenue into the exchequer, preceding the last three years (when he made his payments on the 8th and 13th of June, and 1st of July) has been in the month of October or November, prior to the first meeting of the governors of Queen Anne's bounty, which is usually in November.

The only payment this revenue is subject to, in the hands of the receiver, is an annual payment of fifteen pounds sixteen shillings and one penny to the dean and chapter of St. Paul's; the remainder is paid nett into the exchequer, all other outgoings and incidental expences being paid by the governors of Queen Anne's bounty, out of this revenue, after it is received by them from the exchequer.

His accounts are passed yearly, in the office of the auditors of the imprest.

Guy Carleton, ROB. CHESTER.
T. Anguish,
A. Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 20.

Account of the Tenths of the Clergy, which have been received in the Twelve Years last past, ending at Christmas 1779, as appears by the Books at the Tenths Office; viz.

	£.	s.	d.
RECEIVED before Christmas 1768, for tenths due from the clergy at Christmas 1767 - -	9803	13	3

Received

Appendix.

	£.	s.	d.
Received before Christmas 1769, for do. due from do. at Christmas 1768	10084	11	7
Received before Christmas 1770, for do. due from do. at Christmas 1769	9901	3	11½
Received before Christmas 1771, for do. due from do. at Christmas 1770	9997	1	4
Received before Christmas 1772, for do. due from do. at Christmas 1771	9777	15	4¼
Received before Christmas 1773, for do. due from do. at Christmas 1772	9831	9	6
Received before Christmas 1774, for do. due from do. at Christmas 1773	10043	4	6
Received before Christmas 1775, for do. due from do. at Christmas 1774	9865	7	4½
Received before Christmas 1776, for do. due from do. at Christmas 1775	9918	13	1¼
Received before Christmas 1777, for do. due from do. at Christmas 1776	9855	18	1¼
Received before Christmas 1778, for do. due from do. at Christmas 1777	9954	12	0
Received before Christmas 1779, for do. due from do. at Christmas 1778	9827	1	1¼
	118860	11	2½
Deduct twelve years payment to the dean and chapter of St. Paul's, at £.15 16 1 each year - - -	189	13	0
12)	118670	18	2½
Average *per annum*	9889	4	10

There is now in the hands of the receiver, which will be comprifed in his year's account of tenths ending Chriftmas day next, 1780, the fum of nine thoufand eight hundred and ninety pounds and two pence halfpenny, which he will be ready to pay whenever the governors of Queen Anne's bounty fhall think fit.

20th December 1780. ROB. CHESTER, Rec.

No. 21.

No. 21.

The Examination of Thomas Aſtle, *Eſquire, Receiver General of the Deductions of Six Pence in the Pound on Penſions, Salaries, Fees, and Wages, exceeding Fifty Pounds a Year; taken upon Oath, the 18th December* 1780. Thomas Aſtle.

THIS examinant ſaith, This duty is collected by virtue of the 7th of George the Firſt, chapter the 27th.

The receiver general of this duty uſually receives every quarter from the greater offices, ſuch as the exchequer, cuſtoms, and exciſe, general certificates, ſigned by the proper officers, containing the amount of the deduction made by their reſpective officers, from the penſions, ſalaries, fees, and wages, chargeable with this duty in theſe offices.

From other offices, particular certificates, ſigned by the proper officers, are ſent to him, containing the names of the perſons charged, and the ſums for which they are charged.

In conformity to theſe certificates, he demands and receives theſe duties from the officers and perſons charged, ſome quarterly, ſome half yearly, and ſome yearly, according to the uſage of his office.

He receives all theſe duties himſelf; but the ſum paid at the exchequer, which is by far the greateſt part of this duty, and in the preſent year amounts to upwards of twenty-ſix thouſand pounds, ſeldom comes actually into his hands, but is transferred by him from the four offices of the tellers, to an account in the office of one of the tellers, kept for the purpoſe of his payments, except the odd ſums under one thouſand pounds, which he receives in caſh, unleſs that odd ſum amounts to near one thouſand pounds, in which caſe he generally makes it up to that ſum, and pays it in, it not being uſual to pay in leſs than one thouſand pounds, except the annual balance.

His other receipts he pays into the exchequer at ſuch times as he judges moſt requiſite and convenient.

Part of this duty is applied to the payment of the intereſt of one million, borrowed of the bank at three *per cent.* which intereſt is paid at Midſummer and Chriſtmas; and he always takes care to pay into the exchequer a ſum ſufficient to enable them to advance to the bank a quarter's intereſt, as hath been uſual.

Every

Appendix. Every year, about March or April, he makes up his account to the 5th of January, and then pays into the exchequer the whole of his balance.

He paſſes his account before the auditor of the impreſt, which is always declared at the Midſummer declaration.

The balance remaining in his hands, on the 16th of December inſtant, is ſix thouſand eight hundred and eighty-one pounds ſeven ſhillings and eleven pence; which he intends paying into the exchequer at the uſual time, or ſooner, if directed.

Guy Carlton,
T. Anguiſh,
A. Piggott,
Rich. Neave,
Sam. Beachcroft.

THO. ASTLE.

No. 22.

An Account of Monies received and paid into his Majeſty's Exchequer by Thomas Allen, *Eſq. Receiver General of the Deductions of Six-Pence in the Pound, ſince the Cloſe of his laſt Account, ending January 5, 1780,* viz. *between the ſaid 5th day of January and the 16th Day of this Inſtant December 1780, incluſive.*

	£.	s.	d.	£.	s.	d.
1780, *Alienation Office.*						
Dec. 11th. Received Michaelmas term, 1779, and Hilary term 1780 ——	39	9	6			
Received Eaſter and Trinity terms, 1780 —— ——	39	4	0			
				78	13	6
Chelſea Hoſpital.						
Jan. 11th. Received one year's deductions, ending December 24th, 1777				50	5	0
Cuſtoms.						
July 15th. Received a quarter's London ſalaries, between October 10, 1778, and January 5, 1779 ——	535	12	2			
24th. Received a quarter's do. between January 5, and April 5, 1779 —— ——	710	5	5			
Auguſt 9th, Received a quarter's do. between April 5th, and July 5th, 1779, —— ——	580	11	9			

Sept.

	£.	s.	d.	£.	s.	d.
1780,						
Sept. 28th. Received a quarter's do. between July 5, and October 10, 1779	463	13	5			
Feb. 11th. Received a half year's out ports, ending January 5, 1780	453	16	11¾			
July 20. Received a half year's do. ending July 5, 1780	289	12	2			
				3,033	11	10¾
Exchequer.						
Feb. 24th. Received at Mr. Townshend's office	415	14	7½			
at Lord Hardwicke's do.	2,431	6	4½			
at Lord Northington's do.	917	0	2½			
at Lord Temple's do.	2,788	8	9½			
Being deductions from Sept. 28 to December 24, 1779				6,552	10	[illegible]
May 11th, Received at Mr. Townshend's office	1,808	6	4½			
at Lord Hardwicke's do.	2,059	19	3			
at Lord Northington's do.	3,269	14	0			
at Lord Temple's do.	243	7	6			
Being deductions from Dec. 25, 1779 to March 23, 1780				7,381	7	1½
August 3d. Received at the late Mr. Townshend's office, now Mr. Pratt's	183	15	2½			
at Lord Hardwicke's ditto	827	4	4			
at Lord Northington's do.	2,420	15	11			
at Lord Temple's do.	1,129	9	4			
Being deductions from March 24 to June 23, 1780				4,561	4	9½
Nov. 7th. Received at Lord Hardwicke's office	2,874	1	8			
at Lord Northington's do.	1,784	11	5			
at Lord Temple's do.	3,016	16	9			
at Mr. Pratt's do.	539	1	5			
Being deductions from June 24, to September 28, 1780				8,214	11	3
Excise Office.						
Feb. 24th. Received a quarter's London salaries, ending January 5th, 1780	411	3	2½			

Total amount of the Exchequer, £.26,709 13 2

	£.	s.	d.	£.	s.	d.
1780.						
May 27th. Received a quarter's ditto ending April 5, 1780 ——	409	15	11			
August 25th. Received a quarter's do. ending July 5, 1780 ——	402	8	10½			
Dec. 4th. Received a quarter's do. ending October 10, 1780 ——	407	1	10¼			
Feb. 24th. Received a quarter's country salaries, ending January 5, 1780 —— ——	1,067	7	5¾			
May 27th. Received a quarter's ditto ending April 5, 1780 ——	1,103	13	7½			
Aug. 25th Received a quarter's do. ending July 5, 1780 ——	1,077	19	0½			
Dec. 4th. Received a quarter's do. ending October 10, 1780 ——	1,134	15	9¾			
May 27th. Received one year's incidents, ending October 10, 1779	449	5	8½			
				6,463	11	6¼
Hackney Coaches.						
May 24th. Received half a year's salaries, ending July 5, 1779 ——	15	0	0			
Received half a year's ditto ending January 5, 1780 ——	15	0	0			
Received half a year's incidents, ending July 5, 1779 ——	7	14	0			
Received half a year's do. ending Jan. 15, 1780 —— ——	8	9	6			
				46	3	6
Hawkers and Pedlars.						
July 6th. Received one year's deductions, ending January 5, 1779				43	4	0
Navy Office.						
Oct. 24th. Received a quarter's salaries, ending at Midsummer 1779	227	15	0			
Received a quarter's ditto, ending at Michaelmas 1779 - -	162	6	1¼			
Received a quarter's do. ending at Christmas 1779 - -	242	8	3½			
Received a quarter's do. ending at Lady Day 1780 - -	161	1	10½			
Received half a year's pensions, ending June 24, 1779 - -	62	0	5			

Received

	£. s. d.	£. s. d.
1780,		
Received half a year's do. ending Dec. 24, 1779 - -	58 1 3	
Received by deductions from £. 2,000 paid to the first Lord of the Admiralty, from July 5, 1779, to July 5, 1780 - - -	50 0 0	
Received by do. from £. 120 5s. paid to Sir Richard Hughes, baronet, from March 25, 1779, to September 23 following, the time of his death - - -	3 0 1½	
Received a quarter's docks and yards, ending at Lady Day 1779 -	66 0 7	
Received a quarter's ditto ending at Midsummer 1779 - -	66 0 3¼	
Received a quarter's do, ending at Michaelmas 1779 - -	66 0 7	
Received a quarter's do. ending at Christmas 1779 - -	65 19 6¼	
		1,230 14 1

Sick and Hurt.

	£. s. d.	£. s. d.
Oct 24th. Received half a year's London salaries, ending at Michaelmas 1779	20 4 7½	
Received half a year's ditto ending at Lady Day 1780 - -	23 5 6¼	
Received half a year's country salaries, ending at Michaelmas 1779	19 2 6	
Received half a year's ditto ending at Lady Day 1780 - -	21 7 6	
Received by deductions from the salaries of William Cowdry and John Newsham, keepers of the prisons of Plymouth and Forton, for half a year, ending at Michaelmas 1779	3 0 0	
Received by deductions from do. for half a year, ending at Lady Day 1780 - - -	3 0 0	
Received by deductions from salaries paid at Bristol, Falmouth, Winchester and Edinburgh, for half a year, ending at Michaelmas 1779 -	9 7 6	
Received by do. from do. for half a year, ending at Lady day 1780 -	14 13 4	
		114 0 11¾

1780,	£.	s.	d.	£.	s.	d.
Victualling Office.						
Not yet received, but will be brought into the general account.						
Ordnance.						
May 18th. Received half a year's deductions, being March and June quarters, 1779 - -	148	13	1			
Received half a year's ditto, being September and December quarters, 1779 - - -	144	11	11			
				293	5	0
Pay Office.						
August 21st. Received one year's deductions, from December 25, 1777, to December 25, 1778 - -				2,497	10	3
Pay Office.						
March 22d. Received a quarter's salaries, ending July 5, 1779 -	509	19	0			
Received a quarter's do. ending October 10th, 1779 - -	502	10	2			
August 25th. Received a quarter's do. ending January 5, 1780 -	510	7	4			
Received a quarter's do. ending April 5, 1780 - -	500	17	4			
				2,023	13	10
Salt Office.						
Jan. 28th. Received a quarter's London salaries, ending July 5, 1779 -	30	14	4½			
Received a quarter's do. ending Oct. 10, 1779 - -	30	14	4½			
Received a quarter's do. ending Jan. 5, 1780 - - -	30	14	4½			
Sept. 26. Received a quarter's do. ending April 5, 1780 - -	30	14	4½			
Jan. 28. Received one year's country salaries, ending April 5, 1779 -	57	9	6			
Received one year's London incidents, ending April 5, 1778 - -	15	18	3½			
Received one year's do. ending April 5, 1779 - -	15	16	10¼			
				212	2	1¾
Feb. 14th. Received half a year's salaries, ending July 5. 1779 - -	99	11	3			

Received

	£. s. d.	£. s. d.
Received half a year's do. ending January 5th, 1780 - -	98 4 0	
August 16th. Received half a year's do. ending July 5th, 1780 -	92 13 9	
July 18th. Received one year's incidents, ending August 2d, 1778	415 18 10	
		706 7 10

Scotland. Exchequer.

1780.		
Feb. 4th. Received one year's deductions, ending October 10, 1778	———	1499 15 2¼

Excise.

August 23d. Received one year's deductions, ending at Midsummer 1779 - -	242 1 11	
Received one year's incidents, ending at Midsummer 1779 -	24 11 8¼	
		266 13 7¾

Customs and Salt Duty.

Nov. 25th. Received one year's deductions, ending the 10th October 1779 - - -	———	376 19 5¾
		£. 45646 4 11¾

The above is a just and true account of all the deductions of six pence in the pound, which have been received by me, between the 5th day of January last, and the 16th day of this instant December inclusive.

THO. ASTLE,
Receiver General.

Battersea Rise,
December 18th, 1780.

Out of which sum the said receiver is entitled to retain in his hands the balance or surplusage due to him upon his account, ending January 5th 1780, amounting to —	10 15 6¼	
Also his salary of three pence in the pound, amounting to —	571 1 6	

Also

	£.	s.	d.	£.	s.	d.
Alſo by a warrant for incidental charges attending the execution of his office — —	100	0	0			
Alſo the fee to be paid to the auditor of the impreſts —	50	0	0			
Alſo for bill money, tallies, and other fees, paid and to be paid at the ſeveveral offices, for obtaining a quietus on his annual account, which will end on the 5th of January 1781, about — —	33	0	0			
				764	17	0¼
Total of the charge —				44,881	7	11

Payments.

1780.		£.	s.	d.	£.	s.	d.
March 14th.	Paid into his Majeſty's exchequer -	1,000	0	0			
April 28th.	Paid more —	1,000	0	0			
May 11th.	Paid more —	7,000	0	0			
Auguſt 3d.	Paid more —	4,000	0	0			
29th.	Paid more —	1,000	0	0			
Oct. 27th.	Paid more —	4,000	0	0			
Nov. 7th.	Paid more —	8,000	0	0			
Dec. 12th.	Paid more —	4,000	0	0			
16th.	Paid more —	8,000	0	0			
	The diſcharge —				38,000	0	0
	Balance				6,881	7	11

N. B. This balance will be paid into the exchequer in a ſhort time after the cloſe of the annual account, which will end on the 5th of January 1781, according to the uſage of former years.

The above ſtate of my account is juſt and true, to the beſt of my Knowledge and belief.

THO. ASTLE,
Receiver General.

Patterſea Riſe,
December 18th, 1780.

No. 23.

No. 23.

The Examination of Richard Carter, *Esquire, Receiver of the Deductions of One Shilling in the Pound upon Offices and Pensions; taken upon Oath, the* 15*th of December* 1780.

THIS examinant saith, that this duty is collected by virtue of the 31st of George IId, chapter 22d; and such parts of it as are stopt in the offices in London, out of the salaries and pensions there issued or paid, are received by himself, some quarterly, some half-yearly, some annually, according as the smallness of the sum, or circumstances of the payment, render it necessary or convenient.

The only persons in the country, from whom he receives this duty, are the collectors of the customs at the out ports; these collectors return every year, to his requisition, an account, signed by themselves, of their yearly salaries and fees, made up to the 5th of April, with a bill for the amount of the duty upon them.

The money received for this duty is usually paid into the exchequer by quarterly payments, soon after it is received; he himself has paid it in oftener, and has reserved in his hands about two thousand pounds.

The account of the year's receipts and payments has been, as he believes, usually made up once a-year, to the 5th of April, and the whole balance remaining in the receiver's hands then paid into the exchequer, and the accounts are passed in the office of the auditor of the imprest.

The only deductions out of this duty are the three pence in the pound upon the gross receipt, allowed to the receiver (who pays out of that poundage all the expences of collecting the duty) and fifty pounds paid to the auditor of the imprest towards passing the accounts.

Guy Carleton, RICH. CARTER.
T. Anguish,
A. Piggot,
Rich. Neave,
Sam. Beachroft,
Geo. Drummond.

No. 24.

An Account of all the Public Monies received, and paid into the Receipt of His Majesty's Exchequer, by Richard Carter, *Esquire, Receiver of the Duty of One Shilling in the Pound on Offices, Pensions,* &c. *with the Balance in his Hands, up to October 20th,* 1780.

Richard Carter, Dr.	£.	s.	d.	Per Contra Cr.	£.	s.	d.
To cash received at different times, up to October 20th, 1780	14,734	19	$3\frac{3}{4}$	By cash paid at sundry times into his Majesty's exchequer, up to October 20th, 1780 ——	12,500	0	0
				By do. for this receiver's poundage on £. 14,734. 19*s.* $3\frac{3}{4}$*d.* at 3*d.* in the pound ——	184	3	$8\frac{3}{4}$
				By do. remaining in the hands of this accountant, this 20th day of October 1780 —— ——	2,050	15	7
	14,734	19	$3\frac{3}{4}$		£. 14,734	19	$3\frac{3}{4}$

The above is a true account.

RICHARD CARTER.

No. 25.

An Account of the Net Produce of the Revenues of the Post Office for Five Years, from Lady Day 1708 to Lady Day 1713.

		Nett Produce.		
		l.	s.	d.
From Lady Day 1701 to Lady Day	1709	65,200	8	5
	1710	65,679	17	5
	1711	58,903	0	3
	1712	84,621	9	10
	1713	93,742	7	6

WM. FAUQUIER, Junior,
Accountant General.

General post office,
January 22d 1781.

No. 26.

An Account of the Weekly Balances in my Hands, as Receiver General of the Revenues of the Post Office, for one quarter, ending the 10th Day of October, 1780, as certified by me to the Treasury.

General Post Office, December 21st 1780.

	£.		
Balance the quarter ending July 5th 1780	6,323	9	0
July 11th —— ——	6,022	0	2
July 18th ——	7,272	2	6
July 25th ——	9,071	19	10
August 1st —— ——	10,530	9	3
August 8th ——	11,741	14	4
August 15th ——	12,742	3	2
August 22d —— ——	14,074	14	7
August 29th ——	15,524	10	6
September 5th —— ——	16,927	0	11
September 12th ——	19,009	18	4
September 19th ——	20,751	9	1
September 26th —— ——	20,564	10	2
October 3d ——	18,973	7	11
October 10th ——	2,168	18	7
Balance of the quarter on the 12th October 1780 —— ——	5,838	1	6

RT. TREVOR.

No. 27.

An Account of the Quarterly Balances arising from the Revenues of the Post Office, and Money paid by me into the Exchequer, upon the Four Quarters ending the 10th Day of October, 1780.

General Post Office, December, 22d, 1780.

January 5th 1780.	Money paid into the exchequer ——	9,000	0	0
	Balance then remaining	5,479	5	6
April 5th 1780.	Money paid into the exchequer ——	30,000	0	0
	Balance then remaining	5,642	10	3
July 5th 1780.	Money paid into the exchequer ——	20,000	0	0
	Balance then remaining	6,323	9	0
October 10th 1780.	Money paid into the exchequer ——	20,000	0	0
	Balance then remaining	5,838	1	6

RT. TREVOR.

No. 28.

No. 28.

An Account of the Groſs Receipt, Deductions, Groſs Produce, Charges of Management, and Net Produce, of the Duties ariſing from Stamps, Salt, Licences to Hawkers and Pedlars, and to Hackney Coaches and Chairs, for One Year.

Office.	Year.	Groſs Receipt.			To be deducted, Drawbacks, Bounties, Diſcounts.			Groſs Produce.			Charges of Management.			Nett Produce.		
Stamp office,	1779	537202	12	4¾	—	—	—	537202	12	4¾	39221	17	1¾	497980	15	3
Salt office,	1776	895489	8	11¾	622865	6	2¾	272624	2	9	26410	15	7	246213	7	2
Hawkers and pedlars,	1778	8577	18	—	477	10	—	8100	8	—	2811	2	2	5289	5	10
Hackney coaches and chairs,	1777	13200	—	—	1	—	—	13199	—	—	2133	12	9	11065	7	3
		1454469	19	4½	623343	16	2¾	831126	3	1½	70577	7	7¾	760548	15	6

No. 29.

No. 29.

The Examination of Edward Naish, *Esquire, Assistant Secretary to the Tax Office; taken upon Oath, the 22d January,* 1781.

THIS examinant saith, that the commissioners of the tax office are seven in number; they have no power or controul over the receivers general of the land tax, except that, having knowledge of the money in their hands by their quarterly returns, and of their payments into the exchequer by the weekly bills transmitted from thence to the tax office, the commissioners have the power of directing their solicitor to prosecute the defaulters and their sureties, and to represent them to the treasury, in order to prevent their being re-appointed.

The commissioners usually meet thrice a week; and three constitute a board. The business of their meeting is to receive and answer letters from the receivers general and surveyors of the duties upon houses and windows; to write to the acting commissioners in the country, that they may enforce payment of the taxes, either from the districts charged, or the collectors, which ever of them are backward in their payments; to approve or disapprove of the sureties proposed by the receivers general; and to examine and make out the weekly certificate to the treasury.

Guy Carleton, EDWD. NAISH.
T. Anguish,
A Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond,

Account of the Number of Houses within each County in England and Wales, and the Town of Berwick upon Tweed; distinguishing the Number in each City and Town, wherein there are four hundred Houses, and upwards, chargeable to the Duty on Houses and Windows.

Counties	Places.	No. of houses.	Total No.
Bedford	- - -	000	7294
Berks	Windsor - -	428	
	Newbury - -	453	
	Reading - - -	672	
	The other part of the county	10007	
		———	11560

Bucks

Counties.	Places.	Number of Houses.	Total No.
Bucks	- - - -		13015
Cambridge	Town and university -	1925	
	Wisbeach - - -	469	
	The other part of the county	10188	
			12582
Chester	City - -	1244	
	Macclesfield - -	449	
	Stockport - -	612	
	The other part of the county	19633	
			21938
Cornwall	- - - -		18185
Cumberland	Carlisle - -	430	
	Whitehaven - -	1298	
	The other part of the county	14533	
			16261
Derby	Town - -	1358	
	The other part of the county	16073	
			1743[illegible]
Devon	Exeter - -	1474	
	Plymouth - -	1510	
	Stoke Damerill - -	1151	
	Tavistock - -	489	
	Tiverton - -	435	
	The other part of the county	35730	
			4078
Dorset	Town and county of Pool	523	
	The other part of the county	14031	
			145[illegible]
Durham	Darlington - -	444	
	Stockport town and borough	431	
	Sunderland - -	792	
	The other part of the county	14684	
			16351
York	City - -	2285	
East Riding	Hull and county - -	1370	
North Riding	Scarborough - -	628	
	Whitby - -	548	
West Riding	Bradford - -	403	
	Doncaster - -	514	
	Halifax - -	440	
	Leeds - -	1529	
	Sheffield - -	2092	

Wakefield

Counties.	Places.	Number of Houſes.	Total No.
Weſt Riding	Wakefield - -	544	
	The other part of the county	87925	
			98278
Eſſex	Colcheſter - -	828	
	The other part of the county	25547	
			26375
Glouceſter	City - -	841	
	St. Philip and St. Jacob -	555	
	The other part of the county	19069	
			20465
Hereford	Hereford - -	810	
	Leominſter - -	444	
	The other part of the county	8064	
			9318
Hertford	Town - -	401	
	The other part of the county	10635	
			11036
Huntingdon	- - -		5800
Kent	Canterbury - -	881	
	Chatham - -	765	
	Deal - -	600	
	Deptford - -	926	
	Dover - -	1193	
	Feverſham - -	452	
	Folkſtone - -	533	
	Graveſend - -	401	
	Greenwich - -	1555	
	St. John, iſle of Thanet	440	
	Maidſtone - -	727	
	Ramſgate - -	450	
	Rocheſter - -	607	
	Sandwich - -	406	
	Woolwich - -	690	
	The other part of the county	25821	
			36447
Lancaſter	Town - -	604	
	Liverpoole - -	3974	
	Mancheſter - -	2519	
	Preſton - -	402	
	Warrington - -	479	
	The other part of the county	35114	
			43092
Leiceſter	Borough - -	1561	

Counties.	Places.	Number of Houfes.	Total No.
Leiceſter	Loughborough -	440	
	The other part of the county	13834	
			15835
Lincoln	City - -	906	
	Boſton - -	469	
	Grantham - -	451	
	Stampford - -	576	
	The other part of the county	23991	
			15835
London	- - -	16332	
Middleſex	Brentford - -	477	
	Chelſea - -	610	
	Edmonton - -	474	
	Hackney - -	1168	
	Iſlington - -	828	
	Kenſington - -	700	
	Mary-le-Bone - -	3664	
	St. Pancras - -	1273	
Weſtminſter	City and liberty - -	17013	
	The other part of the county	35916	
			62123
Norfolk	Norwich - -	2302	
	King's Lynn - -	662	
	Yarmouth - -	682	
	The other part of the county	29548	
			33194
Northumberland	Alnwick - -	513	
	Haltwiſtle - -	455	
	Hexham - -	402	
	Newcaſtle upon Tyne -	2219	
	Shields - -	578	
	The other part of the county	13694	
			17861
	Berwick upon Tweed -	-	678
Notts	Town - -	1533	
	Mansfield - -	510	
	Newark - -	538	
	The other part of the county	11665	
			14246
Northampton	Town - -	706	
	Peterborough - -	473	
	The other part of the county	20620	
			21799

Counties.	Places.	Number of Houses.	Total No.
Oxford	City and university - -	2316	
	The other part of the county	11338	
			13654
Rutland	- -		1474
Salop	Ludlow - -	430	
	Shrewsbury - -	904	
	The other part of the county	16879	
			18213
Somerset	Bristol - -	3947	
	Bath - -	1173	
	Walcot, and suburbs of Bath	786	
	The other part of the county	22650	
			28556
Southampton	Town - -	535	
	Winchester - -	613	
	The other part of the county	16851	
			17999
Stafford	Litchfield - -	407	
	Walsall borough - -	644	
	Wolverhampton -	683	
	The other part of the county	24091	
			25825
Suffolk	St. Edmund Bury - -	648	
	Ipswich - -	1244	
	The other part of the county	26058	
			27950
Sussex	Chicester - -	621	
	The other part of the county	14259	
			14880
Surrey	Croyden - -	612	
	Kingston - -	431	
	Mitcham - -	462	
	Richmond - - - -	400	
	Wandsworth - - -	449	
Southwark	Borough - - - -	12120	
	The other part of the county	14079	
			28553
Warwick	Town - - - -	495	
	Birmingham - - -	2291	
	Coventry - - - -	890	
	The other part of the county	23029	
			26705
Westmoreland	- - - -		6097

Counties.	Places.	Number of Houses.	Total No.
Wilts	Sarum - - - -	804	
	The other part of the county	21330	
			22134
Worcester	Town - - - -	721	
	The other part of the county	11445	
			12166
Anglesea	- - - - -		4104
Brecon	- - - - - -		3610
Cardigan	- - - - - -		3147
Carmarthen	Borough - - - -	430	
	The other part of the county	6700	
			7130
Carnarvon	- - - - -		3960
Denbigh	- - - - - -		6639
Flint	- - - - - -		3356
Glamorgan	- - - - -		5234
Merioneth	- - - - -		3705
Monmouth	- - - - -		4433
Montgomery	- - - - -		7961
Pembroke	- - - - -		3408
Radnor	- - - - - -		2609
	Total - -		952734

Office for Taxes,
23 *January* 1781.

C. Rigby,
Dan. Bull,
George Blount.

N. B. The number of houses opposite the towns in the first column of this account, contains only the number of inhabited houses, in each, chargeable to the window duties. The last column contains the total number of houses and cottages in each county.

To the Hon. the Knights, Citizens, and Burgeſſes, in Parliament aſſembled.

Account of uninhabited Houſes chargeable to the Duties on Houſes and Windows, in the Cities of London *and* Weſtminſter, *County of* Middleſex, *and Borough of* Southwark, *at* Lady Day 1777, *and* Lady Day 1780.

	Empty Houſes at Lady Day 1777.	Empty Houſes at Lady Day 1780.	Increaſe of Empty Houſes.
London - - -	646	1513	867
Weſtminſter - -	458	1123	565
Middleſex - -	2008	3766	1758
Southwark - -	256	414	158
Total	3368	6816	3448

Office for Taxes,
23 January 1781.

C. Rigby,
Dan. Bull,
George Blount.

January 5.

Lord North. Lord *North* acquainted the Houſe, that he had a meſſage from his Majeſty to this Houſe, ſigned by his Majeſty; and he preſented the ſame to the Houſe; and it was read by Mr. Speaker, and is as followeth viz.

GEORGE R.

"His Majeſty has judged it proper to acquaint the Houſe of Commons, that, during the receſs of Parliament, he has been indiſpenſably obliged to direct letters of marque and general repriſals to be iſſued againſt the States General of the United Provinces and their ſubjects. The cauſes and motives of his Majeſty's conduct on this occaſion are ſet forth in his public declaration, which he has ordered to be laid before the Houſe.

"His Majeſty has, with the utmoſt reluctance, been induced to take any hoſtile meaſures againſt a ſtate whoſe alliance with his kingdoms ſtood not only on the faith of ancient treaties, but on the foundeſt principles of good policy. He has uſed every endeavour to prevail on the States General to return to a line of conduct conformable to thoſe principles, to the tenor of their engagements, and to the common and natural intereſts of both countries; and has left nothing untried to prevent, if poſſible, the preſent rupture.

"His

"His Majesty is fully persuaded, that the justice and necessity of the measures he has taken will be acknowledged by all the world. Relying, therefore, on the protection of divine Providence, and the zealous and affectionate support of his people, his Majesty has the firmest confidence, that, by a vigorous exertion of the spirit and resources of the nation, he shall be able to maintain the honour of his crown, and the rights and interests of his people, against all his enemies, and to bring them to listen to equitable terms of peace.

G. R."

Lord North presented to the House, by his Majesty's command, the following papers:

MANIFESTO.

GEORGE R.

(L. S.) "THROUGH the whole course of our reign, our conduct towards the States General of the United Provinces has been that of a sincere friend and faithful ally. Had they adhered to those wise principles which used to govern the republic, they must have shewn themselves equally solicitous to maintain the friendship which has so long subsisted between the two nations, and which is essential to the interests of both: but from the prevalence of a faction devoted to France, and following the dictates of that court, a very different policy has prevailed. The return made to our friendship, for some time past, has been an open contempt of the most solemn engagements, and a repeated violation of public faith.

"On the commencement of the defensive war, in which we found ourselves engaged by the aggression of France, we shewed a tender regard for the interests of the States General, and a desire of securing to their subjects every advantage of trade, consistent with the great and just principle of our own defence. Our ambassador was instructed to offer a friendly negociation, to obviate every thing that might lead to disagreeable discussion; and to this offer, solemnly made by him to the States General, the second of November, 1778, no attention was paid.

"After the number of our enemies increased by the aggression of Spain, equally unprovoked with that of France, we found it necessary to call upon the States General for the performance of their engagements. The fifth article of the perpetual defensive alliance between our crown and the States General, concluded at Westminster the 3d of March, 1678, besides the general engagement for succours, expressly stipulates, 'That the party of the two allies that is not attacked, 'shall be obliged to break with the aggressor in two months

'after the party attacked ſhall require it;' yet two years have paſſed, without the leaſt aſſiſtance given to us, without a ſingle ſyllable in anſwer to our repeated demands.

"So totally regardleſs have the States been of their treaties with us, that they readily promiſed our enemies to obſerve a neutrality, in direct contradiction to thoſe engagements, and whilſt they have witheld from us the ſuccours they were bound to furniſh, every ſecret aſſiſtance has been given the enemy; and inland duties have been taken off, for the ſole purpoſe of facilitating the carriage of naval ſtores to France.

"In direct and open violation of treaty, they ſuffered an American pirate to remain ſeveral weeks in one of their ports; and even permitted a part of his crew to mount guard in a fort in the Texel.

"In the Eaſt Indies, the ſubjects of the States General, in concert with France, have endeavoured to raiſe up enemies againſt us.

"In the Weſt Indies, particularly at St. Euſtatius, every protection and aſſiſtance has been given to our rebellious ſubjects. Their privateers are openly received into the Dutch harbours; allowed to refit there; ſupplied with arms and ammunition; their crews recruited; their prizes brought in and ſold; and all this in direct violation of as clear and ſolemn ſtipulations as can be made.

"This conduct, ſo inconſiſtent with all good faith, ſo repugnant to the ſenſe of the wiſeſt part of the Dutch nation, is chiefly to be aſcribed to the prevalence of the leading magiſtrates of Amſterdam, whoſe ſecret correſpondence with our rebellious ſubjects was ſuſpected, long before it was made known by the fortunate diſcovery of a treaty, the firſt article of which is, 'There ſhall be a firm, inviolable and 'univerſal peace, and ſincere friendſhip, between their High 'Mightineſſes, the eſtates of the ſeven United Provinces of 'Holland, and the United States of North America, and the 'ſubjects and people of the ſaid parties; and between the 'countries, iſlands, cities and towns, ſituated under the 'juriſdiction of the ſaid United States of Holland, and the ſaid 'United States of America, and the people and inhabitants there- 'of, of every degree, without exception of perſons or places."

This treaty was ſigned in September 1778, by the expreſs order of the penſionary of Amſterdam, and other principal magiſtrates of that city. They now not only avow the whole tranſaction, but glory in it, and expreſſly ſay, even to the States General, that what they did 'was what their indiſ- 'penſable duty required.'

In

"In the mean time, the States General declined to give any anſwer to the memorial preſented by our ambaſſador; and this refuſal was aggravated by their proceeding upon other buſineſs, nay upon the conſideration of this very ſubject to internal purpoſes; and while they found it impoſſible to approve the conduct of their ſubjects, they ſtill induſtriouſly avoided to give us the ſatisfaction ſo manifeſtly due.

"We had every right to expect, that ſuch a diſcovery would have rouſed them to a juſt indignation at the inſult offered to us, and to themſelves; and that they would have been eager to give us full and ample ſatisfaction for the offence, and to inflict the ſevereſt puniſhment upon the offenders. The urgency of the buſineſs made an inſtant anſwer eſſential to the honour and ſafety of this country. The demand was accordingly preſſed by our ambaſſador in repeated conferences with the miniſters, and in a ſecond memorial: it was preſſed with all the earneſtneſs which could proceed from our ancient friendſhip, and the ſenſe of recent injuries; and the anſwer now given to a memorial on ſuch a ſubject, delivered about five weeks ago, is, 'That the States have taken it *ad ferendum*.' Such an anſwer upon ſuch an occaſion, could only be dictated by the fixed purpoſe of hoſtility meditated, and already reſolved, by the States, induced by the offenſive council of Amſterdam, thus to countenance the hoſtile aggreſſion, which the magiſtrates of that city have made in the name of the Republic.

"There is an end of the faith of all treaties with them, if Amſterdam may uſurp the ſovereign power, may violate thoſe treaties with impunity, by pledging the States to engagements directly contrary, and leaguing the Republic with the rebels of a ſovereign to whom ſhe is bound by the cloſeſt ties. An infraction of the law of nations, by the meaneſt member of any country, gives the injured ſtate a right to demand ſatisfaction and puniſhment: how much more ſo, when the injury complained of is a flagrant violation of public faith, committed by leading and predominant members in the ſtate! Since then the ſatisfaction we have demanded is not given, we muſt, though moſt reluctantly, do ourſelves that juſtice which we cannot otherwiſe obtain: we muſt conſider the States General as parties in the injury, which they will not repair, as ſharers in the aggreſſion which they refuſe to puniſh, and muſt act accordingly. We have therefore ordered our ambaſſador to withdraw from the Hague, and ſhall immediately purſue ſuch vigorous mea-

ſures as the occaſion fully juſtifies, and our dignity and the eſſential intereſts of our people require.

"From a regard to the Dutch nation at large, we wiſh it were poſſible to direct thoſe meaſures wholly againſt Amſterdam; but this cannot be, unleſs the States General will immediately declare, that Amſterdam ſhall, upon this occaſion, receive no aſſiſtance from them, but be left to abide the conſequences of its aggreſſion.

"Whilſt Amſterdam is ſuffered to prevail in the general counſels, and is backed by the ſtrength of the ſtate, it is impoſſible to reſiſt the aggreſſion of ſo conſiderable a part, without contending with the whole. But we are too ſenſible of the common intereſts of both countries not to remember, in the midſt of ſuch a conteſt, that the only point to be aimed at by us, is to raiſe a diſpoſition in the councils of the republic to return to our ancient union, by giving us that ſatisfaction for the paſt, and ſecurity for the future, which we ſhall be as ready to receive, as they can be to offer; and to the attainment of which we ſhall direct all our operations. We mean only to provide for our own ſecurity, by defeating the dangerous deſigns that have been formed againſt us. We ſhall ever be diſpoſed to return to friendſhip with the States General, when they ſincerely revert to that ſyſtem which the wiſdom of their anceſtors formed, and which has now been ſubverted by a powerful faction, conſpiring with France againſt the true intereſts of the republic, no leſs than againſt thoſe of Great Britain.

St. James's, Dec. 20, 1780. G. R."

Copy of the Precis of what Sir Joſeph Yorke ſaid to the Deputies of the States General, on the 2d of November, 1778.

"THEIR High Mightineſſes will have received, by the anſwer from Lord Suffolk, one of his Majeſty's principal ſecretaries of ſtate, to the Count Welderen, dated the 19th of October, the moſt convincing proofs of his Majeſty's friendſhip towards them.

"After an explicit detail of the hoſtile and unprecedented conduct of his moſt Chriſtian Majeſty, which conduct occaſioned the ſeeming irregularity of the court of Great Britain, in ſeizing the ſhips appertaining to neutral powers bound to the ports of France, the meaſure hath been fully explained on the principles of neceſſity and ſelf-defence, againſt an enemy who

who hath ever acted covertly and by surprize.' 'The moderation and equity of the King my master would not permit him to disregard the complaints of the subjects of their High Mightinesses, from the moment there appeared a possibility to renew them. It is for this reason that his Majesty has declared his intention to release the Dutch vessels, under conditions the most amicable and the least disadvantageous, as far as circumstances will admit. The war, however, still continues, and the active endeavours of the enemy to push matters to extremity, oblige his Majesty to guard against the danger. He wishes, nevertheless, to involve his good neighbours and allies as little as possible, and although France has even threatened to invade his Majesty's dominions and territories, having, for that purpose, assembled numerous armies on their coast, the King, my master, still forbears to claim such succour from their High Mightinesses as they are bound to grant, by the most explicit and solemn treaties, whenever such succours may be on his part required, namely, the treaty of 1768, and the separate article of 1716; his Majesty confines himself, for the present, solely to lay before their High Mightinesses the state of affairs, the motive of his conduct, and the necessity he finds himself under to take measures for his own defence, and the preservation of his dominions.

"It is only with this view that I am ordered by his Britannic Majesty to propose to their High Mightinesses a conference, to consider of the most proper means towards an amicable regulation of such a mode of proceeding in future, respecting such articles as his Majesty, without yielding to his enemies, cannot possibly suffer them to be supplied with. It cannot have escaped the attention of their High Mightinesses, that Lord Suffolk, in explaining his Majesty's sentiments to Count Welderen, fully demonstrated the King's sincere desire to pay the strictest regard to faith of treaties, as far as they do not directly tend to expose him to imminent danger. It is by no means his intention, nor is it his wish, to cause the least interruption to the commerce of Holland, usually carried on with France, excepting warlike and naval stores; and even this restriction shall be enjoyed with the utmost equity, and I am confident, with every possible degree of generosity.

"I therefore, in obedience to my instructions, have taken the liberty to request an audience, to know whether, in consequence of the answer delivered to Count Welderen, their High Mightinesses are resolved to open a conference with me?

me? On my part, I intreat you to assure their High Mightinesses, that as well from my being authorised by his Majesty, as from my being personally disposed, after a residence in this country of twenty-seven years, their High Mightinesses will find in me every readiness to attend to their complaints, and regard for their welfare; and I flatter myself, that in the course of the conference I shall convince them, that whatever forced and affected turn may have been given to the conduct of my court, it has been founded on the justice, moderation, and the necessity of our situation. In expectation of the decision of their High Mightinesses on what I have laid before them, I trust that their known equity and friendship towards his Majesty, agreeable to their recent assurances by their envoy, will prove sufficient not to authorise their subjects to carry naval stores, under convoy, to France, as being the most dangerous objects to the security of Great Britain."

Copy of a Memorial presented by Sir Joseph Yorke to the States General of the United Provinces of the Low Countries, on the 22d of July, 1779.

"High and Mighty Lords,

"Since France, by the declaration made at London on the 13th of March last year, fully discovered the vast and dangerous designs which the family compact had before announced to Europe, this part of the world must bear witness to the wisdom and moderation of the King of Great Britain, who endeavoured to ward off the calamities of war, avoiding, as much as possible, engaging his neighbours and allies.

"A conduct like this, founded in the most pointed moderation, seemed so much to embolden the court of Versailles, that after perfidiously encouraging of rebel subjects, under the mask of liberty, commerce, and independence, to plunge a poignard into the heart of their mother country; France, not contented with so hostile a proceeding, has, without any national quarrel, drawn Spain into its views, and, without any plausible reasons to colour the design, is making every preparation that an imperious disposition can dictate to invade the British islands.

"On the news of these extraordinary and great preparations, your High Mightinesses cannot but justify the pressing and reiterated instances which the King of Great Britain could not but make to you, relative to the naval armament; and

and the notorious danger of England will, no doubt, convince all the subjects of these provinces, who have hitherto spoke against it, of the necessity of this request of my court.

"But those motives, which were only palliatives to prevent an evil, are now out of season; the danger is become imminent, and the remedy must be speedy. The stipulations of a treaty, founded on the interests of trade only, must give way to those founded on the dearest interests of the two nations. The moment is come to decide, whether Great Britain, who has spilt so much blood, and expended so much treasure to succour others, and to maintain liberty and religion, is to have no other resources against the malice and envy of her enemies, than her own courage, and her own strength; whether she is to be abandoned by her most ancient friends and allies, to the most ambitious views of the House of Bourbon, which would crush all, to reign over all; and whether Europe in general, and your High Mightinesses in particular, will with indifference see a system established, which will evidently destroy that equilibrium which is the only guarantee of your commerce, liberty, and even existence itself.

"The King, high and mighty Lords, has too high an opinion of the understanding, the good faith, and the wisdom of the Republic, to doubt a moment of the sentiments of your High Mightinesses on this occasion. A nation whose history contains scarce any thing but the detail of the dangers which the ambition France successively created, whose best days began with their union with England. In short, a nation accustomed to exact the literal execution of a hard treaty, has too much generosity not to fulfil those which have united the interests of the two nations upwards of a century.

"It is in this persuasion, joined to all that is held most sacred among men, that the under-written ambassador extraordinary and plenipotentiary from the King of Great Britain, has, by express order, the honour to notify to your High Mightinesses, that the danger which threatens his kingdoms, necessitates his Majesty to reclaim, without loss of time, the succours stipulated in the treaties of 1678, and others, and of which the *casus fœderis* is so fully explained in the separate article of 1716. His Majesty expects the same with confidence from a neighbour, who has never failed in his engagements; and for the rest confides in the divine benediction on the justness of his cause, and on the fidelity and valour of his subjects.

" The underwritten waits with the greatest impatience for a just, speedy, and favourable answer, and is ready to confer with the deputies of your High Mightinesses on what steps are further necessary to be taken.

(Signed) JOSEPH YORKE."

Hague, July 22, 1779.

Translation of a Memorial presented by Sir Joseph Yorke, *to the States General, the 26th November,* 1779.

" High and Mighty Lords,

" THE King cannot see without surprize the silence which has been observed towards him, upon the memorial, which by order of his Majesty, the under written had the honour to present to your High Mightinesses, more than four months ago, to demand the succours stipulated by treaties.

His Majesty would not have called for the assistance of his allies, if he had not been fully authorised thereto by the threats, the preparations, and even the attacks of his enemies, and if he had not thought your High Mightinesses as much interested in the safety of Great Britain as in your own preservation.

" The spirit and the letter of the treaties, equally bear testimony to this truth. Your High Mightinesses are too wise and too just to elude the observance of them, especially after having yourselves sollicited the addition of the separate article of 1716, in which the *casus fœderis* is stipulated in a clear and incontestible manner.

" The hostile declaration made at London, by the Marquis of Noailles, the attack of the island of Jersey, the siege of Gibraltar, and all the other equally notorious enterprizes, are so many proofs of open and direct agression. Besides your High Mightinesses have seen during the last summer, the combined forces of the House of Bourbon, evidently directed to the attack of his Majesty's kingdoms, and although the king's vigorous measures, the zeal and patriotic efforts of the English nation, accompanied by the divine blessing, have happily adverted hitherto these ambitious designs; yet the danger still exists, and our enemies continue to announce with the same parade and confidence formidable descents and invasions under the protection of their whole naval force.

" The King can never imagine, that the wisdom of your High Mightinesses can suffer you to be indifferent when such

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solid interests and common to both countries are at stake, and still less can the King imagine, that you are not convinced of the justice of the motives which have determined his Majesty to claim the succours that are due on so many accounts. His Majesty inclines to believe, that your High Mightinesses having come to a resolution to augment your navy, had from prudence, delayed your answer till you were in a fitter situation to furnish the succours required.

"It is for this reason, that I have orders in renewing the strongest instances upon this subject, to demand of your High Mightinesses, in the most friendly manner, not to defer the concerting the means of fulfilling your engagements in this respect. The decision of your High Mightinesses is so necessary and so important in its consequences, that the King would think he was wanting to himself, to his subjects, and to those of the Republic, if his Majesty did not seriously recommend this affair to the full but speedy deliberation of your High Mightinesses. It is of infinite import to the King, that he should be clearly informed upon so essential an object by a precise and immediate answer.

"His Majesty hopes, from the equity of your High Mightinesses, that your answer will be conformable to treaties and to the sentiments of friendship, which he has always entertained towards the Republic, and it will be according to the resolution of your High Mightinesses, that his Majesty will take such further measures as he shall judge to be best adapted to the circumstances, and most fitting for the security of his state, the welfare of his people, and the dignity of his crown.

Done at the Hague, 26th Nov. 1779.

(Signed) JOSEPH YORKE.

Copy of a Declaration presented by Sir Joseph Yorke *to the States General, the 10th of November, 1780, and Translation.*

"High and Mighty Lords,

"THE King, my Master, has, during the whole course of his reign, manifested the strongest desire of maintaining the union that has subsisted for above a century between him and this Republic. This union rests on the firm basis of reciprocal interest; and, as it ever was known to contribute greatly to the advantage of both nations, their natural enemy has set to work all the engines of politics to destroy it. For some time such attempts have met with but too great a

 success,

succefs, being countenanced by a faction that wifhes to rule over the whole Republic, and is ever ready to facrifice the public good to its own private views. His Majefty fees, with no lefs furprize than concern, the little regard that has been hitherto paid to his reiterated claim of the affiftance ftipulated by treaties, and to the remonftrances made by his ambaffador, on the daily infractions of the moft folemn engagements.

"The King's moderation has induced his Majefty to look upon the conduct of your High Mightineffes, as the working of a predominant cabal, and is ftill perfuaded that your wifdom and juftice will direct you to fulfil your engagements towards him, and to fhew by all the tenour of your future conduct, that you are determined to purfue with vigour, the plan fet on foot by the wifdom of your anceftors; the only one that canfe cure the fafety and glory of the Republic.

"The anfwer your High Mightineffes will be pleafed to return to the following declaration, which the underwritten now prefents by exprefs command of his court, will prove the touchftone of your intentions and fentiments towards his Majefty.

"For a long time paft his Majefty has had numberlefs furmifes of the dangerous defigns hatched by an unbridled faction; but the papers of the Sieur Laurens, calling himfelf prefident of the pretended Congrefs, have led to the difcovery of a plot unprecedented in the annals of the Republic. It appears by the papers alluded to, that the States of Amfterdam have entered into a clandeftine correfpondence with the American rebels, fo early as the month of Auguft, 1778; that inftructions and powers have been given by them, for the purpofe of entering into a treaty of indiffoluble friendfhip with the faid rebels, natural fubjects of a fovereign to whom the Republic is joined by the ftricteft ties of friendfhip. The authors of this plot do not pretend to deny it. They, on the contrary, avow and labour, though in vain, to juftify it. In thefe circumftances, the King, relying on the equity of your High Mightineffes, requires that fo irregular a conduct may be formally difavowed, as it is no lefs contrary to your moft facred engagements, than repugnant to the Dutch conftitution. The King further infifts on fpeedy fatisfaction, adequate to the offence, and the exemplary punifhment of the penfionary Van Berkel and his accomplices, as difturbers of the public peace, and violaters of the rights of nations. His Majefty flatters himfelf that the anfwer of your High Mightineffes will be fpeedy, and to the purpofe in every refpect;

spect; but if the contrary should be the case, and your High Mightinesses should refuse to comply with so just a request, or endeavour to pass it over in silence, which will be deemed as a denial, the King cannot but look on the whole Republic as approving of misdeeds, which they would refuse to disavow or punish; and in such a case his Majesty will think himself obliged to take such steps as become his dignity, and the interests of his subjects.

"Written at the Hague, Nov. 10, 1780.

LE CHEVALIER YORKE."

Copy of a Memorial presented by Sir Joseph Yorke *to the States General, the 12th of November, 1780; and Translation.*

"High and Mighty Lords!

"The uniform conduct of the King towards the Republic; the friendship which hath so long subsisted between the two nations; the right of sovereigns, and the faith of the most solemn engagements, will decide, without doubt, the answer of your High Mightinesses to the memorial which the under-signed presented, some time ago, by express order of his court. It would be to mistrust the wisdom and the justice of your High Mightinesses, to suppose that you could pause a moment in giving the satisfaction demanded by his Majesty.

"As the resolutions of your High Mightinesses of the 27th of November, were the result of a deliberation which regarded only the interior of your government, and did not enter upon an answer to the said memorial, the only remark to be made on those resolutions is, that the principles which have dictated them, evidently prove the justice of the demand made by the King.

"In deliberating upon that memorial, to which the under-signed here requires, in the name of his court, an immediate and satisfactory answer in every respect, your High Mightinesses will doubtless consider that the affair is of the last importance; that it relates to the complaint of an offended Sovereign; that the offence, for which he demands an exemplary punishment, and a complete satisfaction, is a violation of the Batavian constitution, of which the King is a guarantee; an infraction of the public faith; an attempt against the dignity of his crown! The King has never imagined that your High Mightinesses had approved of a treaty with his rebellious subjects. That had been raising the buck-

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ler on your part; a declaration of war. But the offence has been committed by the magistrates of a city which makes a considerable part of the state; and it belongs to the sovereign power to punish and give satisfaction for it.

"His Majesty, by the complaints made by his ambassador, has placed the punishment and reparation in the hands of your High Mightinesses; and it will not be till the last extremity, that is to say, in the case of a denial of justice, or of silence, which must be interpreted as a refusal, that the King will take them upon himself.

"Done at the Hague the 12th of December, 1780.

(Signed) LE CHEVALIER YORK."

Translation of the Extract from the Register of the Resolutions of the States General, the 15th of December, 1780; and also, the Extract from the Register of the Resolutions of their High Mightinesses the States General of the United Provinces.

"Friday December 15, 1780.

"Upon what has been represented to their High Mightinesses by Mr. Quarles, president of their assembly, relative to a further visit made him by Sir Joseph Yorke, his Britannic Majesty's ambassador and plenipotentiary, in order to press for an answer to his memorials, lately presented to their High Mightinesses by his Majesty's order.

"It is understood and resolved, after previous deliberation, hereby to charge the greffier of their High Mightinesses to acquaint Sir Joseph Yorke that the memorials he has lately presented have been taken *ad referendum* by the respective Provinces, and to assure him that their High Mightinesses will not neglect to endeavour to effectuate that an answer to the same shall be given him as soon as is feasible, and the constitution of the government anywise permits."

Agrees with the Register.

THE following are the outlines of a treaty of commerce, which, agreeable to the orders and instructions of Mr. Engelbert Francis Van Berkel, counsel and pensionary of the city of Amsterdam, directed to me, John Neufville, citizen of the said city of Amsterdam, I have examined, weighed, and regulated with William Lee, Esq. commissioner from the Congress, as a treaty of commerce, destined to be or as might be concluded hereafter, between their High Mightinesses,

nesses, the States-General of the Seven United Provinces of Holland, and the United States of North America.

Done at Aix-la-Chapelle, the 4th of September, 1778.

(Signed) JOHN DE NEUFVILLE.

I hereby certify that the above is a true copy.

(Signed) SAMUEL W. STOKTON.

Plan of a Treaty of Amity and Commerce between the Republic of Holland and the United States of America.

(The preamble recites, that the said contracting States of Holland and America, wishing to establish a treaty of commerce, have resolved to fix it on the basis of a perfect equality, and the reciprocal utility arising from the equitable laws of a free trade; provided that the contracting parties shall be at liberty to admit, as they think good, other nations to partake of the advantages arising from the said trade. Actuated by the above equitable principles, the forementioned contracting parties have agreed on the following articles.)

Art. I. There shall be a permanent unalterable, and universal peace and amity, established between their High Mightinesses the seven Provinces of Holland, and the United States of North America; as well as between their respective subjects, islands, towns and territories, situate under the jurisdiction of the respective states above-mentioned, and their inhabitants, without any distinction whatsoever of persons or sexes.

II. The subjects of the United Provinces of Holland shall be liable only to such duties as are paid by the natives and inhabitants of North America, in all the countries, ports, islands, and towns belonging to the said states; and shall enjoy the rights, liberties, privileges, immunities and exemptions in their trade and navigation, common to the said natives and inhabitants, when the subjects of Holland shall have occasion to pass from one American state to another, as well as when bound from thence to any part of the world.

III. The privileges, &c. granted by the foregoing article to the States of Holland, are, by the present, confirmed to the inhabitants of North America.

IV. The respective subjects of the contracting parties, as well as the inhabitants of the counties, islands, or towns belonging to the said parties, shall be at liberty, without producing a written permission, private or public, pass, to travel by land or water, or in whatever manner they think best, through

through the kingdoms, territories, provinces, &c. or dominions whatever, of either of the confederated ſtates, to have their free egreſs and regreſs, to remain in the ſaid places, and during the whole time be at liberty to purchaſe every thing neceſſary to their own ſubſiſtence and uſe: they ſhall alſo be treated with every mark of reciprocal friendſhip and favour. Provided, nevertheleſs, that in every circumſtance they demean themſelves in perfect conformity with the laws, ſtatutes, and ordinances of thoſe ſaid kingdoms, towns, &c. where they may ſojourn; treating each other with mutual friendſhip, and keeping up among themſelves the moſt perfect harmony, by means of a conſtant correſpondence.

V. The ſubjects of the contracting powers, and the inhabitants of all places belonging to the ſaid powers, ſhall be at liberty to carry their ſhips and goods (ſuch as are not forbidden by the law of the reſpective ſtates) into all ports, places, &c. belonging, or tarry, without any limitation of time: to hire whole houſes, or in part: to buy and purchaſe from the manufacturer or retailer, either in the public markets, fairs, &c. all ſorts of goods and merchandize not forbidden by any particular law: to open warehouſes for the ſale of goods and effects imported from other parts: nor ſhall they be at any time forced, againſt their conſent, to bring the ſaid goods and wares to the markets and fairs; provided, nevertheleſs, that they do not diſpoſe of them by retail, or elſewhere. they ſhall not, however, be liable to any tax or duties, on this or any other account, except thoſe only which are to be paid for their ſhips or goods, according to the laws and cuſtoms of the reſpective ſtates, and at the rate ſtipulated by the preſent treaty. Moreover, they ſhall be entirely at liberty to depart, without the leaſt hindrance, (this extends alſo to their wives, children, and ſuch ſervants who may be deſirous to follow their maſters) and to take with them all goods bought or imported at any time; and for ſuch places they may think proper, by land, or ſea, or rivers, or lakes; all privileges, laws, conceſſions, immunities, &c. to the contrary notwithſtanding.

VI. In regard to the religious worſhip, the moſt unbounded liberty ſhall be granted to the ſubjects of the ſaid confederate ſtates, for themſelves and families. They ſhall not be compelled to frequent the churches, &c. but ſhall have full liberty to perform divine ſervice, after their own manner, without any moleſtation in either church or chapel, or pri-

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vate houses (*apertis foribus*) it is further provided, that any subject of one of the contracting powers dying, in any place belonging to the other, shall be interred in decent and convenient places, allotted for that purpose, and, in fine, that no insult shall, at any time, or in any manner whatever, be offered to the dead or interred bodies.

VII. It is further agreed and settled, that in all duties, imposts, taxes, &c. laid on goods, persons, merchandise, &c. of each and every subject of the contracting powers, under any denomination whatsoever, the said subjects, inhabitants, &c. shall enjoy equal privileges, franchises, immunities, either in the courts of justice, and in every matter of trade, commerce, or any other case, and shall be treated with the same favour and distinction hitherto granted or hereafter to be granted to any foreign nation whatsoever.

VIII. Their High Mightinesses the States General of the seven United Provinces, shall use the most efficacious means in their power to protect the ships and goods belonging to any of the United States of America, be they private or public property, when in the ports, roads, or seas adjoining the said islands, &c. belonging to their said High Mightinesses, and to use all their endeavours to bring about a restitution to be made to the owners, or their agents, of all vessels and goods captured within their jurisdiction; and the ships of war belonging to their said High Mightinesses, shall take under their protection, and convoy the ships belonging to the said American States, or any of the subjects or inhabitants thereof, following the same course, and defend the said ship as long as they sail in company, against all attacks, violence, or oppression, in like manner as they are in duty bound to defend the ships of their High Mightinesses, the seven United Provinces of Holland.

IX. By this article, the same obligation is laid on the American States, in favour of the shipping, &c. belonging to those of Holland.

X. Their High Mightinesses the States of Holland shall interpose, and employ their good offices in favour of the said American States, their subjects and inhabitants, with the Emperor of Morocco, the Regaoues of Algiers, Tunis, and Tripoli, and all along the coast of Barbary and Africa, and with the subjects of the said powers; that the ships, &c. of the said American States, be as much as possible, and to the best advantage, protected against the violences, insults, &c. de-

predations of the abovesaid Princes and subjects on the coast of Barbary and Africa.

XI. It shall be permitted, and granted to each, and every subject and inhabitant of the contracting powers, to leave, bequeath, or dispose of, in case of sickness, or at their death, all effects, goods, merchandises, ready money, &c. being their property, at or before their decease, in any town, island, &c. belonging to the respective contracting powers, in favour of such person or persons, as they may think proper. Moreover, whether the said subjects should die after having made such wills, or intestate, their lawful heirs, executors, or administrators, dwelling in any part of the possessions of the contracting powers, or aliens coming from other countries, shall be at liberty, without hindrance or delay, to claim, and take possession of all such goods and effects, conformable to the respective laws of each country. Nor shall their right be disputed, under pretence of any prerogative, peculiar to any separate province, or person whatsoever. Provided, nevertheless, that the claim to the effects of a person who died intestate, be supported by such proofs as the laws of either of the contracting powers have provided in such cases; all laws, statutes, edicts, *droits d'Aubaine*, &c. to the contrary notwithstanding.

XII. The effects and property of the subjects of either of the contracting powers, dying in any town, island, &c. belonging to the other, shall be sequestered for the use of the lawful heirs and successors of the deceased. The council, or public minister of the nation, to which the person thus dying belonged, shall take an inventory of all such goods, effects, papers, writings, and books of accounts of the deceased. The said inventory to be delivered into the hands of three merchants of known and approved integrity, who shall be nominated for the purpose of acting as trustees to the heirs, executors, &c. or creditors of the deceased: nor shall any courts of judicature interfere, unless the said heirs, &c. should require it in the due course of law.

XIII. The respective subjects of the contracting parties, shall be at liberty to choose for themselves advocates, attornies, notaries, solicitors and agents; to this end, that such advocates, &c. shall, by the judges of the courts aforesaid, be called in, if the said judges should, by the parties be required so to do.

XIV. The merchants, commanders, or owners of ships, sailors of every denomination, ships or vessels, effects, and goods

goods in general, belonging to either party, or any of its ſubjects or inhabitants ſhall at no time, for any private or public purpoſe, by virtue of any edict whatſoever, be taken, or detained in the countries, ports, iſlands, &c. belonging to either of the contracting parties, to be employed in the ſervice to forward military expeditions, or any other purpoſe; and much leſs for the private uſe of any one, by violence, or other means made uſe of to moleſt or inſult the ſaid ſubjects. It is further ſtrictly forbidden to the ſaid ſubjects, on both ſides, not to take away, violently, the property of each other; but, the conſent of the proprietor once obtained, they ſhall be at liberty to purchaſe, paying ready money for the ſame. This article, however, is not to be underſtood as extending to ſuch caſes, where the ſeizure ſhall be made, or the embargo laid by the authority of the legiſlative power for debts incurred, or crimes committed, which ſhall be tried by the due courſe of law.

XV. It is further provided and agreed, that all merchants, commanders of ſhips, and other ſubjects belonging to their High Mightineſſes, the States of the ſeven United Provinces, ſhall regulate their private affairs by themſelves, or by ſuch agents as they may chuſe, in all and every place within the juriſdiction of the United States of America: nor ſhall they be compelled to employ or pay any interpreter or brother, but ſuch as they think fit to appoint. Moreover, in the lading, or unlading of ſhips, the maſter ſhall not be obliged to employ perſons appointed for that purpoſe, by public authority; but ſhall be at full liberty to do it themſelves, or call in the aſſiſtance of any one they ſhall chuſe, without being liable to pay any fee or retribution to any body elſe. Neither ſhall they be compelled to land any particular merchandiſe, to put them on board other ſhips, to take others on board their own, without their free conſent; or to remain laden longer than they ſhall think proper. The ſubjects and inhabitants of the United States of America, ſhall fully enjoy the ſame privileges in all the dominions of the States of Holland.

XVI. In caſe any diſpute or controverſy ſhould ariſe between the maſter of a ſhip and his crew, belonging to one of the two nations, and then in any port within the dominions of the other, concerning the payment of wages, or any other matter to be determined by the civil law, the magiſtrate of ſuch port, or place, ſhall only require the defendant to deliver to the plaintiff, a declaration under his hand, and

witnessed by the said magistrate; by which the said defendant shall bind himself to appear, and answer the complaint laid against him, before a competent judge in his own country. This being done, the said crew shall not be permitted to leave the ship, or prevent the master from following his course.' The merchants of either nation shall be authorised to keep their books in what language and manner they may think best, without the least hindrance or molestation. But, in case it should be necessary, in order to settle a point of law, for them to produce their books, they shall bring them into court for examination; in such a manner, however, that neither the judge, nor any one else, whatsoever, shall be permitted to peruse any article in the said books, but such as may be absolutely necessary to ascertain the authenticity and regularity of the said books. Nor, shall any one, under any pretence whatever, presume to force the said books and writings from the owners, or detain them: cases of bankruptcy alone excepted.

XVII. The ships of either nation, bound to the respective ports, shall, upon a just cause of being suspected, either in regard to their destination or their cargoes, be obliged to produce, either at sea, in the roads, or ports, not only their passports, but also certificates, witnessing that the goods they have on board are not prohibited by the respective laws.

XVIII. If upon such certificates being produced, the examining party should discover that some of the goods mentioned in the bills of lading are prohibited by this treaty, or bound to some port belonging to the enemy; in such case it shall not be lawful to break into any part of the ship, or force any trunk, boxes, barrels, &c. nor even to displace any part of the cargoes (whether such ship belongs to Holland or America) to come at the said goods, which are not in any ways to be searched until they are landed in presence of some officers of the admiralty-court, who shall enter a verbal process about them. Nor shall it be permitted to sell, exchange, or adulterate the said goods in any wise, 'till the law shall have taken its course, and the matter be determined by the sentence of the respective admiralty-courts, pronouncing them seizable; the ship and other parts of the cargo not prohibited by the treaty shall not be detained, under the pretence of part of the lading being condemned, and much less confiscated as lawful prizes. But, in case part of the cargo should consist of the said prohibited goods, and the master of the ship shall consent to deliver them up immedi-

ately, then the captor, having taken out of the said ship the prohibited goods, shall permit the master to continue his course to the place of his destination: yet, if all the prohibited goods could not be taken on board the captor, the latter shall, notwithstanding the master's free tender of the said goods, bring the former into the nearest port, where it shall be produced in manner aforesaid.

XIX. It is agreed on the contrary, that all effects, &c. of any subject of either state, found on board any ship taken from an enemy, such effects, &c. though they be not prohibited by any article of this treaty, shall be considered as lawful prize, and be disposed of as if they belonged to the enemy: (except only in case the war should not have been proclaimed, or not come to the knowledge of the proprietors of the said effects, &c.) which, in such cases only, shall not be liable to be confiscated, but be immediately returned to the owners without any delay, upon their making good their claim; provided, nevertheless, that the said goods are not of the kind which are prohibited; nor will it be lawful to ship them afterwards, for any of the enemy's ports. The two contracting parties agreeing, moreover, that six months, from the date of a declaration of war, will be considered as a sufficient notice to the subjects of either state, whatever quarter of the world they may come from.

XX. In order to provide further for the safety of the subjects on both sides, that neither of the parties may be annoyed by the armed ships or privateers belonging to the other, during the course of a war, particular injunctions shall be laid upon the commanders of ships and privateers, &c. &c. to the respective subjects of the contracting powers, not to vex or offer any molestation to any one of them; and, in case of failure herein, the offending party shall be punished, and compelled to make good the damage, their persons and fortunes answering for the same.

XXI. All ships and effects retaken from privateers or pirates, shall be carried into some of the ports belonging to either state, and returned to the owners, upon their giving satisfactory proofs of their right to the said re-captures.

XXII. It shall be lawful for all commanders of ships of war, privateers, &c. to carry off freely all ships and effects taken from the enemy, without being subject to pay any duty or duties to the admiralty or other courts; nor shall such prizes be liable to be detained or seized upon in any of the ports of the respective states: the searching officers shall not be permitted to visit or search the said prizes: the captors

tors whereof will be at liberty to put back to sea, and convoy the prizes wherever they are directed to be carried; as specified in the orders given to the commanders of such ships, privateers, &c. which they shall be obliged to produce. But all the ports of both states shall be shut against all prizes made on the subjects of either: and in case such prizes and captors should be driven to some of the said ports, by stress of weather, every means shall be employed to hasten their departure.

XXIII. In case any ships, boats, &c. should be wrecked or otherwise damaged on the coasts of either of the contracting states, all aid and assistance shall be given to the distressed crews, to whom passes and free-conduct shall be granted for their return into their own country.

XXIV. If a ship or ships, either of war, or employed for the purpose of trading, by one of the states, should, by stress of weather, imminent danger from pirates, enemies, &c. be compelled to take shelter in any ports, rivers, bays, &c. belonging to the other, they shall be treated with all humanity, friendship, and most cordial protection. Leave shall be granted them to take in provisions and refreshments at a reasonable rate, and to purchase whatever they may stand in need of, either for themselves or for the purpose of repairing the damage they may have suffered, and also for the continuation of their voyage. No obstacle whatever shall be laid in their way to stop or detain them in any of the said ports, &c. whence they shall be liberty to sail, whenever they may think fit.

XXV. In order to put commerce in the most flourishing state, it is agreed, that, in case a war should at any time break out between the contracting parties, six months shall be allowed to the respective subjects for them to retire with their families and property, to whatever place they may judge proper: also to be at liberty, during the above space of time, to sell or otherwise dispose of their goods and chattels, without the least hindrance or molestation. But above all, it is provided, that the said subjects shall not be detained, by arrestment or seizure. On the contrary, during the aforesaid six months, the respective states, and their subjects, or inhabitants, shall have good and speedy justice done to them; so that, during the said time, they may recover their goods and effects, whether they be in the public funds, or in private hands. And, if any part thereof should happen to be embezzled, or that any insult or wrong should have

been

been offered to the subjects, &c. of either states, the offending party shall give immediate and convenient satisfaction for such embezzlement, wrong or insult.

XXVI. The subjects, &c. of either states shall abstain from requiring or accepting any commissions or letters of marque from any power then at war with either of said states, so as to command armed ships against either, and to their detriment; and if any individual, belonging to either, should fail herein, he shall be dealt with as being guilty of piracy.

XXVII. It shall not be lawful for any privateer, not belonging to either of the contracting parties, which might be furnished with commission, or letters of marque from any power, in actual enmity with either of them, to fit out their ships in any port belonging to the said States, therein sell their prizes, or make in any wise, an exchange of their said ships, merchandize, goods or effects, being the whole or part of the cargo contained in the aforesaid captures. Nor shall the said commanders be permitted to take in provisions, but just as much as will enable them to reach a port, nearest to the dominion of their employers.

XXVIII. Subjects and inhabitants of both the contracting parties shall be at liberty to navigate their ships (without any distinction of owners, to whom the cargo or cargoes may belong) from all ports whatever belonging to the powers, that then are, or afterwards may be, in amity with either of the aforementioned states; as also to trade in their way to or from such places, ports and towns belonging to the enemies of either party, whether the said place be within the jurisdiction of one or more powers. It is also hereby stipulated, that the freedom of shipping will be extended to the cargoes, belonging to the respective subjects or inhabitants of the said states, though the whole, or part of the said cargo should be the enemy's property. This privilege is also to be construed as extending to all persons whatever, on board the said ships (the military in the enemy's service only excepted) as well as contraband goods.

XXIX. This article contains a large enumeration of the goods prohibited to be carried to the enemy, which comprehends all manner of warlike stores. It gives also an account of such goods as may be lawfully exported, namely cloathing and other manufactured goods of wool, cloth, silks, &c. &c. the matters employed in manufacturing the same; gold and silver either coined or in bullion, all sorts of metals,

coin

corn and feeds, spices, tobacco, meat, salt, or smoaked, and every kind of eatables; in fine, ship timber, sails, canvas, and every effects whatever not fashioned in the shape of any tool or warlike instrument usually employed in war, either by sea or land, all the aforesaid goods and wares shall at no time be looked upon as contraband, and may be carried by the subjects and inhabitants of the confederate states, even to places belonging to the enemy then at war with either party, excepting only such towns and places, which might happen to be besieged, surrounded or blocked up at the time of shipping off, for their use, the said wares and goods.

XXX. In order to prevent all dissention and difficulty which might arise between the subjects of either state, in case one of them should go to war with some other power or powers, the shipping, &c. belonging to the other party, shall be provided with letters or passes, specifying the name, cargo, and burthen of the ship, together with the Captain or master's name, and the place of his residence. That thus it may appear that the ship, &c. belongs truly to the said subjects and inhabitants. The said pass to be worded as shall be mentioned at the end of this present treaty.

Those letters, or passes, shall be renewed every year, if the bearers should return to the same port within that time. It is further agreed, that besides the aforesaid passes, certificates shall be given, mentioning every part of the cargoes, the respective places from and to which such ships may be bound. The said certificates to be drawn up in the usual form, before the officers of the place from whence the said ships are to sail, the said officers shall be at liberty to mention, by name, if they think it expedient, the owners of the cargo or cargoes.

XXXI. The commanders or owners of ships belonging to the contracting parties, entering into any of the roads of either of the said states, who may not think proper to enter into port; or, when entered, will not chuse to unload either the whole or part of their cargo, shall not be compelled to declare in what it consists, unless a well-grounded suspicion should arise, on some evident circumstances of their being laden for the enemy, or carrying from one of the confederate States to the other, any prohibited goods; in which case, such commanders, owners or inhabitants, shall be obliged to shew their passports and certificates, drawn up in the manner hereafter mentioned.

XXXII. When the ships belonging to either state, sailing coast-ways or otherwise, shall be met by the ships of war,

war, privateers, &c. of the other party, in order to prevent mischief, the latter shall keep out of the reach of the guns, though it will be lawful for them to send their boats to board the abovesaid merchant-men, not suffering above two or three men at a time to get on board to them; the master, or commander of said ships, shall present his passports, conformable to the tenor hereafter recited. After which, the said ship, or merchant-man, shall be at full liberty to continue its voyage, without being searched, chaced, or obliged to alter its course, or otherwise molested under any pretence whatsoever.

XXXIII. It is further agreed, that all goods and effects whatever, being once put on board of a ship, or ships, belonging to either of the contracting parties, shall not be liable to a second visit, or search, after having undergone that which must precede the lading of such ships; as all prohibited goods must be stopped on the very spot, before they are suffered to be carried on board the ships belonging to either party; the same not being liable to any other kind of embargo for the aforesaid cause. And the subjects of either state, where such effects shall, or should have been seized upon, shall be punished for importing the same, according to the manner provided by the laws, customs, and ordinances of his own native country.

XXXIV. The contracting parties mutually agree, that, they shall be at liberty to have their respective consuls, vice-consuls, commissaries, and other agents appointed by and for each party. Their functions and officers shall be regulated by a particular convention, whenever either of the contracting powers shall think proper to appoint such officers.

Here follows the form of the passport and certificate, the intention and purport of which, are sufficiently explained in the XXXth article of this treaty.

J. DE NEUFVILLE, (L.S.)
W. LEE, (L.S.)*

* PAPERS not laid before the House, which tend to explain the above treaty:

Copy of a letter to his Excellency B. FRANKLIN, *Esq. at* Paris.

SIR,

As your Excellency and the Right Honourable Congress will certainly be already completely informed of my interview at Aix-la-Chapelle, with Mr. William Lee, about a twelvemonth ago, in the pre-

fence of Mr. William Stockton; and as he is shortly to arrive himself, I have made no difficulty, and it gives me even much satisfaction, to expose unto him some trifling alterations, of no great consequence, which are thought necessary to be made in the plan of the treaty of commerce, which is now to be looked over afresh.

The differences consist only in suppressing, in the VIth article, all that is mentioned there concerning religion, and, in fact, it is absolutely not proper, that any mention thereof should be made between two republics, the constitutions and fundamental laws of which plead aloud for a perfect liberty of conscience.

The Xth article, concerning the Barbarian powers, is binding on both sides, in case the same should take place any time hereafter.

The other suppressions which are thought necessary in the articles VIII, XXII, and XXVII, are for the greatest part established to prevent objections. For this reason, the latter part of the VIIIth article, has been suppressed, where it is said, "and their ships of war, or convoys, sailing under authority, &c."

It has likewise been thought proper to suppress the latter part of the XXIId Article, which begins with these words, "on the contrary, no asylum or refuge shall be granted, &c."

The XXVIIth Article at present stands thus, "it shall not be lawful for any privateer, holding any commissions or letters of marque, from any Prince or power, in war with any of the high contracting parties, to fit out their ships in the ports belonging to either of the contracting parties, nor therein to sell their prizes, nor to exchange in any other manner whatever, the ships, goods, and merchandize, being either the whole, or part of the cargo, contained in the said captures."

These are the measures that have been taken to establish the basis of this treaty, and from a particular regard for the Right Honourable Congress, having by us a copy of the treaty, such as it was drawn up at first, and such as it stands at present, we thought it our duty to inform your Excellency of the state in which this important affair is at present, and which we shall always be ready to forward with the same zeal with which it has been begun.

Mr. Stockton will likewise inform your Excellency with some other affairs, which stand in need of some explanations.

Wishing that the union of the Twenty States may soon be established upon a permanent footing, we remain, with the most perfect consideration and esteem, Your Excellency's

Most humble and most obedient servants,

Amsterdam, July 28, 1779. JOHN DE NEUFVILLE and SON.

Extract of a Letter from Mr. J. W. STOCKTON, to the Rev. Dr. WITHERSPOON, *Member of Congress, dated Amsterdam, April 14, 1779.*

You will certainly have seen, before now, the plan of a treaty of amity and commerce, as destined to be concluded hereafter between the states of Holland and the united states of North America, several copies thereof having been sent to America some time ago. That plan was

signed

signed on the 4th of September last, on the part of the city of Amsterdam, by John de Neufville esq. properly deputed for that purpose by the pensionary and the burgomasters of the said city, and by W. Lee, esq commissioner from the Congress, to whom the propositions for the said treaty were made through the channel of the said Mr. de Neufville.

Extract from the Speech of M. VAN PAEST, *Magistrate of Amsterdam, to the States of Holland and West Friesland, on the 25th of November* 1780.

The Burgomasters, after having been informed that a Commissioner of the Congress of North America had made some overtures to a Dutch merchant of Amsterdam, that they had an intention of forming some commercial ties with this republic, comprising on one part that from the circumstance of the United States of North America, not having yet been acknowledged as an independent state, it was impossible to present to your Noble and Great Mightinesses any impositions tending to the commencement of a formal negociation, whilst the Burgomasters were no less persuaded that "on account of the jealousy already displayed, and continually increasing in the neighbouring powers on the subject of the commerce and navigation of this country, as well as on account of all the enterprizes undertaken, which are too notorious not to create in them a perpetual partiality towards the welfare of this state, and induce them to grant on this occasion, advantages which are not stipulated in treaties of peace and commerce," their indispensible duty required that they should make such use of the overtures presented by the said American Commissioner, as the situation of affairs would admit. That in the present circumstances they could not do otherwise than give as much hope, as the Burgomasters could actually *at a proper time* fulfil, and exact, on the other hand, every thing that the above mentioned American Commissioner, and those whom he represented, could promise.

"And this last point was chiefly to constitute the promise, "that on account of the present negociation of an accommodation with England (under the stipulation of *independence*) they were not to promise any exclusive advantages respecting commerce that might be detrimental to the republic of the United Provinces," the Burgomasters on their parts not being able to promise any thing, but that in the deliberations of the state, which might be commenced for forming a treaty of commerce (not only between the city of Amsterdam and the United States of North America, but between those states and their High Mightinesses) They, *casu quo*, in these deliberations of the state, and not in any other, would do all in their power for establishing, as soon as the independency of North America should be acknowledged by England, in the most advantageous manner, the navigation and commerce between the reciprocal states, from whence it naturally resulted, that on each side a plan was projected, to which, as far as could with probability be foreseen, the respective sovereigns would have given their concurrence.

 "These

"These ideas of the Burgomasters, which had not solely in view the private interest of the merchants residing at Amsterdam, but that of the commerce of all the republic in general; ideas which besides can hardly be suspected of originating in a design to injure, or shew contempt to any member of the supreme government, since without their concurrence and unanimous consent, no treaty could be concluded between their High Mightinesses and the United States of America, insomuch that whatever might be treated of before such a sanction was given to it, could only be considered as a simple project; in one word, such a design might without doubt have been conceived by the members of the supreme government, have been laid before the eyes of your Noble and Great Mightinesses, and there have been proposed as a subject of deliberation, without such a proceeding ever being disapproved of on the part of a member, or your being able to find it improper; and, what is yet more, it has never become a question, whether or no a member of the supreme government had occasion for any authority, in forming similar projects, and presenting them for deliberation.

"From these considerations the Burgomasters took the resolution of employing their most ancient pensioner to declare in their name to the American Commissioner, that in case the negociation commenced between Great Britain and the Congress of the United States of North America, did not contain any conditions contrary to the advantage of this republic, the Burgomasters then on their sides, as soon as the independency of the states should have been acknowledged by England, would exert their utmost power that the treaty of commerce which had been projected and approved of, might be agreed to, and ratified by the other co-allies. That besides this, and with their consent, the said pensioner had employed the merchant of Amsterdam in question, to continue the above mentioned conferences with the said American Commissioner, and to form with him a plan for a treaty of commerce, which, as soon as the independence in question should have been acknowledged, might have been proposed as an object for the delibera tion of your Noble and Great Mightinesses, by the magistracy of the city of Amsterdam.

"Such has been throughout this affair, the conduct of the Burgomasters, and their minister; in which they have had evidently no other view but that of guarding the commercial interest of the republic; insomuch, that it was in the power of any particular member of the government of this province, to have fashioned it so as to have prevented the result of it from being the smallest disadvantage to any of the other members.

"It is true, that this proceeding will in all probability displease those powers, who view the commercial prosperity of this country with an unfavourable eye; but however that may be, we can scarcely imagine it possible, that the members who compose the assembly of your Noble and Great Mightinesses, can consider our conduct as a private correspondence, and secret negociation, incompatible with the interest of the states; and we think it may be concluded from what has been

stated, that the Burgomasters in acting thus, have not formed any engagement whatever, but have merely passed a declaration of what at a proper time, in case of a regular treaty of commerce taking place, they intended fully to ratify."

The titles of the papers were read by the clerk, after which Mr. *Burke* rose, and began with observing, that however light a war with the States of Holland might be in the opinions of some men, he was one of those old fools, who had not forgot the old fashioned idea, that going to war was, at all events, a very serious matter, a matter which nothing but great necessity could justify. He did not intend to trouble the House with his opinion on the war with Holland, because he was not yet sufficiently informed upon the subject; nor did he conceive from the heads of the papers just read, that he was likely to get the information necessary for him, and necessary for the House, before they came to any decisive judgment upon what the King's ministers had done. He did not, if his ear had not been deceived, hear the clerk read the title of a memorial which had been delivered by Sir Joseph Yorke in the year 1777; a memorial, which he could not but consider as highly necessary to be laid before the House with the others. Though, for want of the proper information, the justice of the war perhaps could not be entered upon, yet there were other considerations well worth the attention of the House; the question struck him as a prudential question, for circumstanced as we were, the prudence and the policy of the war were not less important points to be examined than its justice. He hoped, therefore, since ministry had reduced Parliament to the alternative either of supporting the war, or of becoming liable to the charge of abandoning the cause of their country, that they had ample proof to lay before the House, that the war was prudent, or that it was unavoidably necessary. The manifesto stated, that a treaty was entered into between the city of Amsterdam and America; this was a fact which lay with ministers to make out. The treaty, the title of which the clerk had just read, as the title of one of the papers, was, in the express terms of it, the plan of a treaty, or the rough draft of a compact hereafter to be entered into between the intended contracting parties. He wished to know, whether the King's servants had, either among Mr. Laurens's papers, or

Mr. Burke.

or by any other means, obtained a copy of any treaty actually entered into and executed? The treaty, the title of which had just been read, depended entirely upon events, that were unknown and might not happen, in which case the treaty was never to be ratified. This treaty, therefore, was no more than a speculative essay, a mere contemplative project.'

He said that he should reserve his further sentiments upon his Majesty's message till a future day; but he could not avoid reprobating the late long adjournment of Parliament, as a matter highly criminal in ministers, who (as they must have known that a war with Holland was likely to take place,) ought not to have adjourned Parliament, or but for a very short period. How that adjournment came to be for so long a time, and why so material a circumstance as a declaration of war with Holland was ventured on by ministers during a recess, when there was the strongest reason for them to have kept Parliament in hand, was a matter which would be well worth a future enquiry. He concluded with asking whether the memorial of 1777 was delivered with the others or not?

Lord North. Lord *North* said, every paper referred to in his Majesty's manifesto, was then on the table.*

The clerk then read all the papers.

Lord

* This Memorial was not laid before the House, but the following is a copy of it.

Memorial presented by Sir Joseph Yorke to the States General, on the twenty-first Day of February 1777.

"SINCE the commencement of the unnatural rebellion, which has broke out in the English colonies against the legal constitution of the mother country, the undersigned ambassador extraordinary and plenipotentiary of the King of Great Britain, has had frequent occasions to address himself to your High Mightinesses, in the name of his master, to engage them by all motives of national interest, of good neighbourhood, of friendship, and finally of treaties, to put a stop to the clandestine commerce which is carried on between their subjects and the rebels. If the measures which your High Mightinesses have thought proper to take had been as efficacious as your assurances have been amicable, the undersigned would not now have been under the disagreeable necessity of bringing to the cognizance of your High Mightinesses, facts of the most serious nature.

"The King hath hitherto borne, with unexampled patience, the irregular conduct of your subjects in their interested commerce at St. Eustatia,

Lord North rose again, and declared, that he thought the entrance into a war at all times, a very serious matter; but on the present occasion, he thought it still more serious, because that the war, which his Majesty had thought himself obliged to enter into, was a war with Holland, our old and natural ally, between whom and this country there had subsisted an alliance for more than a century: an alliance formed on that broad line of policy, which originally pointed out the necessity of it, and which had been a source of great benefit to both countries. It was not, therefore, as his Majesty had been pleased to declare in his message, without the deepest regret, that he felt himself indispensibly obliged to put an end

Britain, as also in America. His Majesty has always flattered himself, that in leaving it to your High Mightinesses to examine to the bottom this conduct, so irregular and so insufferable, they would have taken measures necessary to repress the abuse, to restrain their subjects within bounds, and to make them respect the rights and friendship of Great Britain.

"The complaints which I have orders to make to their High Mightinesses, are founded upon authentic documents annexed to this memorial, where their High Mightinesses will see with astonishment, and I cannot but at the same time with displeasure, that their new governor, Mr. Van Graaf, after having permitted an illicit commerce at St Eustatia, hath [illegible] his forgetfulness of his duty to the point of conniving at the Americans in their hostile equipments, and the permitting the [illegible] of an English vessel by an American pirate, within cannon shot of that island. And in aggravation to the affront given to the English nation, and to all the powers of Europe, to return from the fortress of his government the salute of a rebel flag. In return to the [illegible] representations made by the president of the neighbouring island of St Christopher on these facts of notoriety, Mr Van Graaf has answered in a manner the most [illegible] and unsatisfactory, refusing to enter at all into the subject, or into any explanation on the matter with a member of his Majesty's council of St Christopher, dispatched by the president for that purpose.

"After exhibiting the documents annexed, nothing remains with me but to add, that the King who had read them, not with less surprize than indignation, hath ordered me to express his demand of your High Mightinesses, a formal disavowal of the salute by Fort Orange, at St Eustatia, to the rebel ship, the dismission and immediate recall of Governor Van Graaf, and to declare further, on the part of his Majesty, that until that satisfaction [illegible] given, they are not to expect that his Majesty will suffer himself to be amused by mere assurances, or that he will delay one instant to take such measures as he shall think due to the interests and dignity of his crown.

(Signed) JOSEPH YORKE.

Given at the Hague Feb 21, 1777."

end to that alliance, and to commence hoſtilities againſt the United States, who, in open violence of treaties, had not only refuſed to give Great Britain that aſſiſtance, which thoſe treaties entitled her to claim when attacked by the Houſe of Bourbon, but alſo in direct violation of the law of nations, had, for a long time contributed as far as they could, to furniſh France with warlike ſtores, and at length had thought proper to countenance the magiſtracy of Amerdam in their inſult upon this country, by entering into a treaty with the rebellious colonies of Great Britain, as free and independent ſtates. He ſaid he would lay before the Houſe a ſhort recapitulation of the many provocations given by the States General to Great Britain. By the treaty of Weſtminſter, agreed upon in the year 1678; it was ſtipulated, that in caſe Great Britain was attacked by the Houſe of Bourbon, ſhe had a right to take her choice of either calling upon the States General to become parties in the war, and to attack the Houſe of Bourbon within two months, or of requiring an aid of 6000 troops and 20 ſhips of war, which the ſtates were to furniſh immediately after the claim was made. His lordſhip ſaid this country had always preſerved her faith with Holland; and had in conſequence of a claim from the ſtates, ſent 10,000 of her troops over there, and ſhewn herſelf ready on every occaſion to perform all the conditions to which ſhe had made herſelf liable. His lordſhip ſaid he would next ſtate the particular offenſive parts of the conduct of the States General ſince the commencement of the American war.

Firſt, the ſuffering Paul Jones, a Scotchman and a pirate, acting without legal authority from any acknowledged government, to bring Britiſh ſhips into their ports, and refit there; that ſaluting a rebel privateer at St. Euſtatia, after ſuffering her to capture two Britiſh ſhips within cannon ſhot of their caſtles and forts; and their countenancing the conduct of Van Berkel and Monſieur de Neufville, who had drawn up and ſigned a treaty of alliance with America as independent ſtates, during their revolt from the authority of this country. His lordſhip then mentioned the ſeveral memorials delivered by Sir Joſeph Yorke; the firſt was, when the war with Spain broke out, to claim the aid we were entitled to require, by the treaty of Weſtminſter. To this purpoſe a memorial was preſented at the Hague in June 1779, of which not the leaſt notice was taken on the part of the ſtates; two other notices had been ſince delivered, when each

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shared the same fate. The reason why ministers did not proceed to strong measures on these slights, his lordship said, arose from their earnest wish to avoid a war with Holland, which induced them to catch at any thing that tended to make them flatter themselves that the States would yet do justice to Great Britain, and comply with the obligation of their solemn treaty; the terms and conditions of which, were, as he had already said, dictated by the soundest policy, and on the strict and punctual observance of which, the true interests of both countries so immediately and so obviously depended, that they could not bring themselves to imagine Holland could be so blided by any arts of an insidious and treacherous power, (not more the natural enemy of Great Britain, than the natural enemy of the United States!) as to forsake and abandon her treaty, and assist the house of Bourbon in an unjust war, which she had commenced against Great Britain. Strange and unaccountable as the conduct of Holland was, and detrimental as her ingratiude to this country must in the end prove to herself, such had been the power of a French faction in Holland, that they had at length prevailed and deluded the States into a conduct equally inimical to the stadtholder, and inimical to Great Britain. The British ministry, his lordship said, had done all in their power to bring the States to a true sense of their interest; and when the necessity of the case obliged them to seize on Dutch ships carrying stores to France, they had paid the full value for the cargoes, and returned the ships, so that neither the private merchant, the private adventurer, nor the states, had suffered; France only had felt the measure by her being deprived of that assistance, which the freights would have given her.

In answer to Mr. Burke's remark, that the treaty, the title of which had just been read, was nothing more than a contemplative project, his lordship said, it was actually signed and sealed, the names of the pensionary of Amsterdam and Monsieur de Neufville, a merchant and burgess of that city, being subscribed to it on the part of the magistracy of Amsterdam, and the name of John Lee, as commissioner or agent for the Congress of America, but even allowing for the whole extent of the honourable gentleman's argument, surely when two powers stood connected together by solemn treaty and ancient alliance, as the states of Holland and Great Britain were, it made very little difference in the scale of offence and provocation, whether a treaty like that of the pensionary Van Berkel, was fully ratified and consummated, or only in

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progression. But to put the matter out of question, let the honourable gentleman recollect, that the States General had refused to pay any attention to the requisition in his Majesty's memorial, delivered by Sir Joseph Yorke, that proper notice might be taken of Van Berkel and his associates, (as far as such a refusal could be implied by a contemptuous silence) and further, that so far from disavowing the fact, or attempting to palliate it, the principal magistrates of Amsterdam, not only avowed the whole transaction, but gloried in it, and expressly declared, even to the States General, that what they had done, was what their indispensible duty required. His lordship took notice of the court of Madrid's having been induced by the intrigues of the French cabinet, to send a hostile rescript to the court of London, and observed, that at one period of the ensuing campaign, England saw in her channel a combined fleet of the enemy, infinitely superior to the famous Spanish Armada. He said, that he lamented the necessity of a war with Holland, but said it was an unavoidable measure. The situation of this country his lordship confessed to be truly alarming, but when he considered the powerful stand that had already been made against the most powerful confederacy that had ever been formed against Great Britain, the little success the enemies of this country had met with in all their various attempts against us, and the spirit and resources of the nation, he did not see that gloomy and uncomfortable prospect described by the honourable gentleman who spoke last. Our difficulties were certainly great, but he trusted they were by no means insuperable. He was neither desirous of concealing their magnitude, nor afraid to meet them, great as they must be acknowledged, because he was convinced, that when the force of this country was fully exerted, it was equal to the contest, and that the only means of obtaining an honourable and just peace, was to shew ourselves capable of carrying on the war with spirit and vigour.

His lordship took notice of what Mr. Burke had said on the late adjournment, and declared, that it would have been equally agreeable to him, if the House had sat the whole time, that with regard to the commencement of the war, the matter was by no means so certain in the view of the King's servants, as to render it incumbent on them to state the situation of affairs to the House, and to plead it as an argument for their continuing to sit during a recess, which for various reasons was highly necessary to many gentlemen. When the answer of the States was sent by Sir Joseph Yorke,

Yorke, in December 1780, and it appeared from it, that, instead of going fully into the business, and coming to a satisfactory determination upon the subject of the frequent memorials, presented on the part of Great Britain, the States had chosen to take the matter *ad referendum*, and put it off to a very late day indeed; it became then immediately necessary for his Majesty to act with firmness, and not to lose a moment, before he proceeded to endeavour at least to do himself justice. His lordship concluded with producing, An humble address of thanks to his Majesty from the House for his most gracious message, and for the regret with which he had entered into the war with Holland, a war which his Majesty had declared nothing but unavoidable necessity had obliged him to undertake. The address concluded with a most loyal assurance, that the House would chearfully assist and support his Majesty against all his enemies: which address, his lordship said, was drawn up in language the most proper for the House to adopt, and he therefore moved it.

Lord *Lewisham* said, he rose to second the motion. His lordship began with a recapitulation of former affairs. Every gentleman present knew, he said, that the most wanton wars against Holland had taken place in those periods, when the interests of the crown and of the people had been distinct and different, hence, in the infamous reign of Charles the Second, they had been not more frequently than unjustly commenced. After the Revolution, however, when our glorious deliverer, William the Third, swayed the sceptre of these realms, a very different line of conduct was adopted by us; that prince seeing, what every man must see, who has a just sense of the true interests of Holland and of Great Britain, that they are one and the same, cultivated a friendship between the two countries: his ministers did the same; the example was followed by the Whig ministers in the glorious part of the next reign, that of Queen Anne, and it had continued all the two subsequent reigns during the whole of which time, the states had reaped the greatest advantages from the alliance. It was not, therefore, without astonishment, that he now saw, what he had scarcely thought possible; namely, that a French party could have gained so much prevalence in Holland, as to make her lose sight of all policy, forget how intimately her welfare and prosperity was blended with the welfare and prosperity of Great Britain, how much she owed to this country, in the reign of Elizabeth, how much she was indebted to the services of that brave, that successful commander, and no less wise and judicious negotiator,

Lord *Lewisham*.

tiator, John Duke of Marlborough, and how much alfo her interefts had been fupported by the fervices of our other generals, in the continental wars purfued by us in the latter end of the reign of King William, and the beginning of the reign of Queen Anne. The conduct of the States towards this country, fince the commencement of the American war, (a war which every good Englifhman muft deplore and lament, though he muft acknowledge, as he did, that it was a war juftly and neceffarily commenced, and which this country could not avoid without difgrace,) had been fo fully defcribed by the noble lord who moved the addrefs, that nothing remained for him to fay upon that part of the fubject. In the prefent reign, faid his lordfhip, the intereft of King and people were the fame, the national profperity or misfortune was equally fhared in by both, and neither could have a wifh that did not point to the fame end, becaufe the advantage of the one muft be the advantage of the other. The prefent war, he was perfuaded, was neither wanton nor unjuftifiable; and although no man more fincerely lamented that, attacked on all fides as Great Britain was, occafion fhould arife for her coming to a rupture with her old and her natural ally, the States General; yet, from a full view of the cafe, from a knowledge of the repeated provocations given by Holland, and of the unexampled patience and forbearance fhewn by Great Britain, he was firmly of opinion, that the war commenced againft the States, was a war of indifpenfible neceffity. It had been proved, to the conviction of every man, that the Dutch had long been employed in affifting France with warlike ftores, and it had for fome time been fufpected, that they were inclined rather to give aid to the revolted colonies of America, than to comply with the faith of treaties, and perform what Holland had folemnly pledged herfelf to perform, whenever her ancient ally was attacked by the houfe of Bourbon, and made the requifitions prefcribed by the treaty of Weftminfter. Her failure to do Great Britain juftice had been evident, and her inclinations towards America were now equally evident; nothing, he conceived, could have induced the States to act the part they had lately exhibited, but the baneful influence of French gold, which had fo far prevailed as to make the Dutch deal thus treacheroufly by us; therefore he thought his Majefty entitled to the moft cordial thanks of the Houfe, and the moft loyal profeffions of zeal and attachment, as well as an immediate affurance of their determination to fupport the vigorous meafures his Majefty had refolved to purfue,

sue, since every man must agree, that it was better to have an open enemy, than a treacherous friend.

Right honourable *T. Townshend* said, he was surprised at the long adjournment. The ministers had work upon their hands, which they did not chuse to do in the face of Parliament. It had been their frequent practice to settle matters of the first importance during the holidays, and when the House met, after the recess, to call upon Parliament to support them under all the consequences of their ill conduct. In this manner the House had been led into the American war, that source of all our calamities; in this manner had the ministers announced the French rescript, and afterwards the Spanish rescript; and now they came to declare that they have commenced war against Holland, our old and our natural ally. Thus year after year has the noble lord in the blue ribband told the House of a new enemy; but since the commencement of the American war, he has never brought down the welcome news of our having gained a new ally. The noble lord had been very copious in accounting for the present war with the States General, and he had justified the measure on the ground of necessity, ascribing it wholly to the provocations given this country by the Dutch. Had Great Britain given Holland no provocation? Had she never put the States out of humour? Was their conduct altogether unreasonable and unprecedented? Had the noble lord forgot the memorial of 1777, commonly called Lord Suffolk's Memorial; but rather because it was sent from his office, than from any proof that it was penned by that noble earl? He said, he did not think so ill of ministry as to imagine they would take refuge from the blame due to the authors of it, by acting in so ungentleman-like a manner as to ascribe it to the late earl. He loved that noble earl while living, for his integrity, his liberal mind, and his many virtues; he revered his memory, and he would always defend his character. Nor did he believe ministers would venture to ascribe it to Sir Joseph Yorke; all who knew that gentleman knew his great abilities, and knew him to be incapable of offering such an insult to a state in which he had resided for twenty-seven years, and which he loved and respected. The memorial, he was persuaded, was not of his penning, but it was a paper that ministry might well be ashamed of; he wondered not, therefore, that although he had endeavoured to obtain a sight of it, and had often called upon the noble lord and his colleagues to declare who was the author of it, he could obtain no satisfaction. In that memorial the stile was so arrogant, that

Rt. hon. T. Townshend.

that the Dutch had complained of it, and declared it a ſort of language which one independent ſtate had no right to hold to another. 'It was to the inſolence of this memorial that the Houſe were to aſcribe the prevalence of the French faction in Holland, of which, both the noble lords had ſaid ſo much. From the moment that this memorial was delivered, the influence of the French faction increaſed. It was a fair opportunity for the French faction to profit by; they took the advantage of the haughty language of the Engliſh memorial, and ſaid wiſely, "See how Great Britain, your ally, treats you! This is your friend, this is the power to which you look up for protection. If Great Britain, engaged in a war which diſtreſſes her greatly, dares uſe this ſort of language to you, what may you not expect, if ſhe ſhould prevail in her conteſt with the powers at war with her!"

The noble lord who ſpoke laſt, had aſcribed the prevalence of the French faction in Holland to the influence of French gold: he wiſhed French gold had not been uſed to create an influence nearer the capital of Great Britain! at any rate, he truſted that he had aſcribed the prevalence of the French faction in Holland to its true cauſe, the fooliſh conduct of miniſters, in holding a language to the States General in 1777, (the only reſpectable ally of Great Britain,) which it would not be decent or juſtifiable to hold to the moſt petty ſtate in Europe. The ſame noble lord, had choſen to mention the reign of William III. and the firſt years of the ſubſequent reign of Queen Anne; he wiſhed to God there was any parallel between thoſe reigns and the preſent. In thoſe reigns, as in the time of all Whig miniſtries, great alliances were ſought and obtained. This country had not then the madneſs to hazard a war with all the world, without a ſingle ally. This country then was in the full career of victory, and of glory. The Duke of Marlborough, whom the noble lord had mentioned, was a great, and a ſucceſsful general; he was the happy inſtrument of extending conqueſt, and acquiring territory for Great Britain. We had at that day no American war, no obſtinate perſeverance in a fatal error, to create calamity, and multiply misfortune What ally had we now to bear us up againſt the enormous force of oppoſing foes? Thoſe individuals, who hoped to gain by their ſucceſs in privateering, might feel ſome comforts in the avaricious hope of deriving emoluments from a war with Holland; and at the beginning of the conteſt, thoſe hopes might be anſwered; but where was the proſpect of advantage, in a national view?

view? Would the noble lord say, we might be able to destroy the Dutch trade? What was that, but to injure, perhaps to ruin, our own! For if the war continued, what maritime mercantile state remained capable of carrying our manufactures of various kinds, to all quarters of the globe, as the Dutch had done for above a century? The noble lord had talked loudly of the national honour, and had made injured honour one pretext for the war. Did the noble lord think, that this was a fit mom nt for Great Britain to go to war with her ancient and natural ally, merely on a point of honour? What assurances could the noble lord give the House, that we should not soon have cause to complain, that the national honour was wounded by Russia? What assurances could he give, that Portugal was not likely to wound the national honour; would he pledge himself to the House, that Denmark had friendly views? The noble lord seemed not to be aware, that a war with Holland was not like challenging a single foe. The noble lord surely forgot, that there was such a thing established, as an armed neutrality, and that in all probability, the war with Holland would bring upon us the neutral maritime powers of Europe, that were not already at war with us. The noble lord had stated it as a great offence on the part of the States General, that they had not complied with the memorials presented by Sir Joseph Yorke, and furnished the assistance required. Did the noble lord recollect, that Great Britain was in fact obliged to Holland, for not complying with the treaty, and perhaps Holland had abundant reasons for her refusal, or rather her neglect to comply with the treaty; if she had, this country must have been a loser upon the whole. All that we had a right to expect, was 6000 troops, and 20 ships of war. The instant they had been furnished, the territories of the States would have been attacked, and then, in compliance with the treaty so often mentioned by the noble lord, we must have sent a large army into Holland, and supported her with a great naval force. Upon the whole, he declared, that he could no otherwise account either for the war itself, nor for the defence of it set up by the noble lord in the blue ribbon, than by supposing, that the report so industriously propagated by the creatures of administration, immediately on the publication of the manifesto, was believed by ministry themselves, and that they really thought that paper would create an immediate insurrection in Amsterdam and other cities and towns in Holland.

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He had for a long time, he said, seen the folly of opposing ministers in that house;—indeed, from the noble lord's declaration, at the end of his speech, it was plain the noble lord was of the same opinion. For his part, perhaps the wisest step he could take, would be, never to set his foot in that house again, and indeed he would not have given himself the trouble of attending and rising as he had done, to deliver his sentiments upon the subject then before the House, had it not been for the unwillingness he felt to desert and abandon those whose principles he honoured, and for whose persons he had an affection, and who, he understood, were still willing to stand forward in behalf of the liberties of the people, and the interests of the nation, against a weak, a wicked, and a dangerous set of ministers, who meant to destroy the one, and had already put the other in such immediate danger, and brought them so near ruin, that unless there was an instant change of men and measures, there were but little hopes of recovery.

He could not conclude, without observing, that the declaration of the noble lord in the blue ribbon, that the words he had moved were the most proper and the most fit words for the House to adopt, was a stile so dictatorial and new to a British House of Commons, that he could scarcely believe his ears when he heard it; he left it therefore to the feelings of gentlemen in general, to treat such a declaration in the manner it deserved. He also took notice of what Lord North had said, relative to the Spanish Armada, and used it as an argument equally of the criminality of ministers and of the neglect of the first lord of the admiralty, that they should have provoked a combination of foes capable of bringing such a fleet into our Channel, when we had so unequal a fleet to oppose it. He added likewise, that report said our fleet had lately, (he would not say skulked, for that was an unpleasant phrase, but) retired from a lesser force. He repeated our want of alliances, and said, he could never approve a system of conduct, which King William, and every great Whig minister since his time would have condemned.

Lord North. Lord North rose, and said, if any thing improper had dropped from him in the course of the debate, he hoped to be indulged with an opportunity of explaining. The honourable gentleman who spoke last, had charged him with arrogance which he thought he had not assumed. The honourable gentleman had said, he had declared his words, as they were used in the motion, were the most proper to be adopted by the

the house. He begged to set the honourable gentleman right; he had said no such thing. What he said was this: that the language of the motion was, in his opinion, the properest to be used in an address to his Majesty on the present occasion; and surely he might be allowed to say this without any great offence being taken at it. By language he was far from meaning the particular words, or the particular phraseology of the motion; he had not the least tenacious attachment to either, and was very ready to submit to any amendment or alteration that any gentleman might be pleased to offer; he merely meant to recommend that sort of stile, which, while it conveyed thanks to his Majesty for his message, and assured him of the support of the House, contained no asperity against Holland, and carried no expression in it likely to aggravate and widen the breach between the two countries. The honourable gentleman who spoke last, had treated the war as if it was a war which the king's servants had courted and rejoiced at; the very contrary was the feeling of his mind, and he would venture to say, of all his colleagues; he thought it, as he had said before, a very serious affair, and he should be heartily glad it could have been avoided. The honourable gentleman had been very warm on the subject of the reign of King William, and the system of his ministry. The honourable gentleman could not be a greater enthusiast in the praise of both than he was. He applauded the Whig principles of that monarch and his ministers, and the same system was the line of conduct which was now pursued. Let the House consider what was the system of King William, the object of all that prince's wars, and the point he succeeded in?—an endeavour to check the power of the house of Bourbon, and preserve the balance of the power of Europe! What are we fighting for at this moment?—the very same object. The honourable gentleman says, we have no allies. Does that prove that we do not pursue the system of King William and the ministers of his successor? Our system is the same—[A call across the house of, "*Where are your allies?*"] If we have no allies, it only proves that we have not all the advantages of the system; advantages that are incidental, that depend on time, on circumstances, on that infinite variety of events which destroy all possibility of perfect parallel in history. But the honourable gentleman says, that in the reigns alluded to by my noble friend behind me, a war was never commenced by Great Britain without powerful alliances. Sir, I deny the fact; when King William

liam went into Holland, and took upon him the command of the army in Flanders, King William was without an ally. Very powerful allies, it is true, joined him afterwards; but that does not alter the assertion, nor does it prove that the king's servants now do not follow the same system.

The honourable gentleman has told us, that King William considered the interests of Great Britain and Holland, as one and the same, and that their cause was united. The honourable gentleman says, what I acknowledged to be true; but, Sir, what was the object of King William?—To humble the pride and to check the over-bearing ambition of the House of Bourbon. What is the object of our present wars?—The same. Unfortunately the policy of Europe has changed of late years, and Holland, though her ruin must inevitably follow the ruin of Great Britain, should the house of Bourbon succeed, rejects the old policy and adopts the new one; she is no longer the friend and ally of Great Britain, but has joined France, and broke her faith with this country through the influence and under the direction of France. Great Britain has uniformly adhered to her old system, and inviolably complied with the express conditions of her treaties, whenever her allies were attacked, and claimed her assistance. Unfortunately for Great Britain, the other powers of Europe have not acted with equal fidelity. The honourable gentleman says, had King William reigned, we should have had no American war. Does the honourable gentleman deduce this argument from King William's conduct towards America? Does he imagine that the ministers of the 11th and 12th of that prince would have been afraid of exerting the rights of Great Britain in America? Those ministers who took away the charter of Massachusetts Bay, and when they granted a new one, made it an express condition, that it should be forfeited upon any misconduct of the governor. Does the honourable gentleman think that the Duke of Marlborough and the ministers of the reign of King William and Queen Anne would have put up with the French rescript, or the Spanish rescript? No, Sir, I am convinced, every man must be convinced, that their zeal for the honour of Great Britain, would have made them resent the conduct of France and Spain, by instantly commencing hostilities against the house of Bourbon; therefore, Sir, I am persuaded, had the Duke of Marlborough, had King William and Queen Anne's whig ministers been alive now, our situation would be exactly the same as it was at this moment.

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The honourable gentleman has said, this war with Holland will bring all Europe upon us, and asks, whether Russia will not attack us, and how long Portugal will remain our friend? Sir, these are questions that cannot be answered: I can only say, that Great Britain has never given provocation to either the court of Russia, or the court of Portugal; I do not therefore imagine, that either can harbour any resentment against Great Britain, or that the one or the other means to act in an unfriendly manner against this country, which has always treated both with respect and attention. The honourable gentleman also presses the memorial of 1777, as a strong ground of offence given by this country to the States General. Sir, I admit that the language of that paper, a paper not ascribeable solely to the Earl of Suffolk, because undoubtedly, it was seen and agreed to by the rest of the king's servants, before it was sent to Sir Joseph Yorke, (and therefore if any censure belonged to the paper, it was due equally to all of the king's servants;) but, Sir, I admit that the language was strong, yet I hope not too strong for the occasion. Let gentlemen compare the cause with the effect, the degree of provocation with the warmth of complaint, and I have no fear as to the conclusion that every candid judge will deduce from the comparison. What, Sir, was the subject of that memorial? A Dutch governor, early in the dispute between Great Britain and her colonies, before France had ventured to avow her perfidy, and had delivered her rescript, had not only suffered an American privateer to capture two British ships, within cannon shot of a Dutch fort, but had saluted the American on his entering the Dutch port with his prizes, and, instead of restoring them, had suffered the American pirate to fit out his prizes, and send them to sea.

His lordship declared, that the war with Holland was by no means satisfactory to the king's servants, who thought as seriously of it as any one person on either side the water could do. The Dutch had provoked the war. Even had they perfectly preserved a neutrality, they would have violated their treaty; but he trusted he had proved, that they had taken a decided part against this country, and had thrown themselves into the hands of France. Under these circumstances, and when by the extract of the resolution of the States General to take the matter *ad referendum*, it was evident they only meant to gain time and trifle with Great Britain, it would have been madness to have lost a moment, or

have paused upon the business, the period having arrived, when the honour of the country was at stake. So far was he from meaning to depart from the system of King William, and to lose sight of the line of sound policy, which had first dictated, and for so many years, had cemented an union between this country and Holland, that he still considered the interests of the two countries as inseparable, and if even after that had happened, he saw the house of Bourbon attempt to turn her arms against Holland and destroy the liberties of the United States, he should still consider it as a British cause, and give his advice for assisting the States with troops and ships, in like manner as if the treaty of Westminster had never been violated.

Right Hon. *T. Townshend.* Right Hon. *T. Townshend* said, as the noble lord had been indulged in a reply thus early in the debate, he hoped that the House would grant him the same favour. He said, the noble lord had misunderstood, and consequently misrepresented what he had said. He had never asserted, that the Dutch had inviolably adhered to the old system; he had on the contrary charged ministers with criminality, in having afforded them such justifiable reasons for adopting a new one. It was from their having precipitated this country into a war with America, and their miserable conduct of that war, that all our misfortunes had arisen; they had lost all trade with America, and when other powers were invited to partake of it, was it to be wondered at, that the Dutch, a mercantile people, should accept of a share of it? To the same cause was it owing, that all the powers of Europe had abandoned us, and those that had not already joined France, Spain, and America, were ready to do it, seeing that under such a wretched administration Great Britain had no chance of recovering her importance and her power, and that whoever became her ally, would only share in her disgrace and her misfortunes.

Mr. *Ayre.* Mr. *Ayre* said, he was for vigorous measures against Holland, and declared, that so far from not agreeing that the war was indispensibly necessary, he was convinced, that government would have shewn the most dastardly pusillanimity, and been at once regardless of the honour of Great Britain, and the rights of her subjects, if the manifesto had not been published, and sent to Sir Joseph Yorke. The Dutch, it was notorious, had, during the whole contest, been busily employed in furnishing the French with naval stores; and they had, in more than one instance, openly countenanced the Americans in their revolt. He said, he deduced his argument

ment from a variety of facts which had been well authenticated, and were stated to him in letters written by persons on the spot, of respectable character and undoubted veracity. By a letter from Antigua, dated the 30th of November, he was assured of one strong fact, that would serve to prove his assertion, and this was, that the Dutch Admiral at St. Eustatia had ordered all the prizes, that the British privateers had made from the Americans, and that were then there, to come under his stern; which being complied with, he immediately ordered the captains to restore the ships instantly to their original owners, and this without a trial in any admiralty court, without a hearing, or any sort of judicial process whatever. He appealed to the House, whether a proceeding of this arbitrary and unwarrantable nature, became a power in alliance with Great Britain, or whether such manifest and unexampled injustice ought to be patiently submitted to? He would not take up the time of the House, or he could adduce further instances of Dutch violence and Dutch hostility in the West-Indies. He advised ministers therefore to pursue the war against the States General in a steady and determined manner. He remembered that in the two last wars we had not stood upon ceremony with the Dutch, but had seized their ships, freighted with contraband goods to the value of millions, had brought them into port and condemned them. If ever it was necessary to act without ceremony towards the Dutch, it was necessary at this moment, and he hoped that ministers had taken proper precautions, and given proper orders to their admirals and generals in the different quarters of the globe, by which means such blows might be struck as would most cripple the Dutch. In particular he hoped to hear soon that the island of St. Eustatius, that abominable nest of pirates, was in our hands! It was that island, he said, which had given the Dutch such frequent opportunity of acting treacherously with Great Britain, and of assisting her enemies.

Mr. Wraxall and Lord John Cavendish presented themselves to the chair at the same time, as desirous of speaking to the question; but the eagerness of the House to hear a new member, and Lord John's natural politeness, obtained Mr. *Wraxall* a hearing first. This gentleman apologized for rising, and claiming the attention of the House, by declaring the peculiar state of the empire, and the accumulation of danger, were so critical and extraordinary, that, in his opinion, it behoved every member of that House, who had formed an opinion upon either the one or the other, to let

Mr. *Wraxall.*

let his sentiments be known, in order that his fellow subjects might profit by them, if they contained a single idea that could be turned to advantage, or rendered in the least degree conducive to a recovery of the national prosperity. After this exordium, Mr. Wraxall called back the attention of the House to the peace in 1762, observing how glorious, how sublime our situation was at that period, and adding, that it was followed by succeeding years of splendour, during all which time we were not only the envy of the modern world, but our greatness far surpassed the greatness of ancient Rome at its brightest era. He followed this eulogy with remarking, that we had since experienced a gradual and alarming gradation of misfortunes, which he traced regularly from their commencement down to the present unfortunate moment. The spark, he said, first appeared at Boston, and on the banks of the Delaware in 1774—that spark which not only soon set the whole American continent in a flame, but which, at length, communicated itself to the continent of Europe; till at length, in the year 1778, France interposed, and delivered her hostile rescript to his Majesty's ministers in London. The business of that campaign he dwelt on, as the most unfortunate for this country that could have happened, and when he came to touch upon the fatal 27th of July, he gave a loose to the feelings of his mind, and said, that day, that disgraceful day, on which the honour of the British flag was ingloriously sullied, on which the French fleet were shamefully suffered to regain their ports, scarcely sensible of the effects of a partial action, on which an opportunity of terminating the war with glory was suffered to escape, that day ought to be blotted from our calender, and no more remembered, or if remembered, it ought to be kept as a day of humiliation! Recovering from the animated stile of sensibility into which the subject had led him, Mr. Wraxall returned to his historical narrative, and said, he wondered not, after the campaign of 1778, that Spain, though slow, yet true to the interests of the elder branch of the house of Bourbon, should, in the commencement of the year 1779, join France in the confederacy; but he said it was reserved for our astonishment and indignation in the last day of December 1780, to see the tardy Dutchman, long engaged in the silent arts of commerce, and a stranger to war for near half a century; to see a nation which owed its origin, its progress, and its protection, to the fostering hand of England,

land, now join the ſtandard of the houſe of Bourbon againſt its only natural ally.

Having brought his ſtate of events to this period, he took up ſome little time in drawing a compariſon between the wars in which Great Britain was now engaged, and thoſe which Louis XIV. had been engaged in, during his life-time, in order to ſhew that they were extremely diſſimilar, the wars of Louis XIV. having almoſt every one of them been wars of intention, of ſyſtem, of premeditation; wars that were planned in the cloſet; wars debated, ſettled, and decided upon in the cabinet of Verſailles: whereas, the wars Great Britain had at this time upon her hands, were wars into which ſhe had unwillingly entered; wars of compulſion, wars that ſhe was obliged to undertake, or reſign her juſt rights, and with them publicly forfeit and abandon all claim to honour, to dignity, and to power, as a free and independent maritime ſtate. Having clearly aſcertained this point, he ſaid, he was come to that period of his ſpeech when it would have been fit to have taken a view of the extraordinary ſituation of this country, in the moment that he was ſpeaking, was he not unfortunately convinced that the picture would have preſented a combination of images too melancholy and too expreſſive of our misfortunes, already ſufficiently well known, to have been either deſirable or neceſſary for him to deſcribe. He would therefore ſpare himſelf the trouble of going into an examination of the preſent ſtate of our affairs in America, in the Weſt Indies, in Ireland, in India, in Africa, and at home, and taking for granted that it was admitted on all hands that we were in a ſtate of encreaſing danger, and labouring under every ſpecies of diſtreſs, would come to one ſhort queſtion upon the ſubject.---In this criſis, where were we to find protection? How retrieve our former ſituation?

And here, Mr. Wraxall ſaid, it would be proper to conſider a little, what had been our practice in former wars, and whence we had chiefly derived our ſucceſs. A great part of our preſent misfortunes, he conceived, had their ſource in new policy, which this country had lately adopted, and in a blind bigotry to that political tenet, which he never would conſent to embrace, and which he was fully perſuaded, had no foundation in truth, no foundation in policy. The tenet or maxim to which he alluded, was that lately eſtabliſhed by thoſe, who, he was perſuaded, did not underſtand what they had endeavoured to maintain, viz. "That continental connections were incompatible with the true intereſts of Great

Britain."

Britain." If the truth or falsehood of any maxim was to be judged of by a recourse to long experience (the best test of all maxims civil, religious, or political!) we had every reason in the world to deny the new policy, and adhere to the old one. Let the House advert to the wars of King William; the wars of Queen Anne, and the still more recent wars of 1741 and 1756, and they would see, from the incontestible evidence of established facts, that this country, in all those wars, had deduced most essential advantages from our having continental connections. But it was from the history of France, and from her annals, Mr. Wraxall said, that the proof of his assertion might be still more strongly and incontestibly deduced. He appealed in the most animated terms, to every general who had successively commanded the armies of France since the brightest æra of Louis the XIVth's ruin. He appealed to the great names of Turenne, of Condé, and of Luxembourg, covered as those heroes were with laurels and trophies, to justify his position, that "Continental wars had ever been fatal to France." He appealed with still more reason to the calamitous war of the succession; to Vendome, to Villars, and to Villeroy, to evince the fact. He appealed to the manes of those French, who in the war of 1741, had perished in the marshes and among the mountains of Bohemia, under Belleisle and Noailles. He lastly appealed to the glorious plains of Minden and of Rosbach; to every man who commanded the armies of France in the late war; to D'Etrees, to Contades, to Richlieu, to Broglio, and to Soubize. France, he said, still retained deeply engraven on her bleeding bosom, the sanguinary characters in which was written, *the truth of this assertion*. To look at the system of having no continental alliances, as adopted at the peace of Fontainbleau in 1763, in another point of view, let the House examine it to the bottom. Let them appeal to their own feelings, whether its destructive consequences were not among the essential causes of our present misfortunes! Having urged this, Mr. Wraxall demonstrated the necessity of our procuring an immediate ally on the continent; a doctrine which he enforced with the strongest arguments, and with all the zeal and ardour of a man speaking from the impulse of the fullest conviction. He ended this head of his speech with asking, who was to be this ally? And in order to prepare the House for the mention of the power whose alliance he thought most likely to be of service to us, he drew a picture of Europe as it stood at the present time.

He

He first began with a description of Denmark. That country, he said, from which formerly issued the pirates and the conquerors of the North, was now sunk into a situation which left little to fear or to hope from her enmity or her friendship. He said, that since the middle of the last century, when the politics of Europe had assumed their modern form, Denmark had been almost uniformly friendly to this country; but that, by one of those many singular fatalities which seemed now to oppress the empire, Denmark was become inimical to England. He mentioned the revolution of 1772, and said, Denmark had at present a government feeble and incapable, a ministry and a regent hostile to Great Britain; Norway scarce held in subjection, a wretched army, a navy incompetent, and inadequate, even supposing the inclination, to afford us any assistance. He next called the attention of the House to Sweden, governed by a king rendered absolute by French money in 1772. Sweden, he said, every since Christina and Gustavus Adolphus, had been uniformly the ally of France. French councils and French connections had ever preserved their ascent in the court of Stockholm, which from every principle and every motive was hostile to the interests of this country. Sweden, he besides observed, like her sister Denmark, was now far declined in splendour and in force. Her fleets and her armies were confined to the limits of the frozen Baltic. Modern Sweden was no longer able, as under Charles the Twelfth, to march armies into Saxony and Bohemia, and strike its terror into Vienna and Versailles; whence, and from other data, he clearly proved, that all hopes of support from Sweden would be fruitless.

He then took a view of Russia, and described the empress and her character, on which he passed a warm eulogium. He spoke of her attachment some years since to Great Britain, and her disposition to assist us. But that moment, he said, was past and gone; we had lost it by our own want of exertion, and the empress was no longer friendly. She neither was willing, nor if she had it in her inclination, was it in her power to afford us effectual and decisive assistance. The junction of a Russian squadron was not now to be hoped for; nor if such a circumstance took place, would it ensure a *certain* superiority over the united navies of France, Spain, and Holland. With regard to her land forces, the empress could not now, as was done in the year 1747, march an army from the gulph of Finland to the Rhine, without the per-

mission of the houses of Austria, or Brandenburgh, or perhaps of both.

Mr. Wraxall proceeded in his picture, and after observing, that Poland, Sardinia, Naples, and Portugal, were only kingdoms in name, and in the empty honours of the diadem, and therefore of little consideration in a matter of such vast importance, came to his *ultimatum*, laying it down as a fair conclusion, from what he had said of Denmark, Sweden, and Russia, that it was either from Prussia, or Austria, that we must derive assistance. In order to ascertain which of the two was best enabled and most likely to prove a powerful ally to Great Britain, he went into a description of the present situation of both those powers; and first he spoke of Prussia.

He began with explaining the extent of the Prussian dominions, and stating the force of the Prussian army, the nature of the Prussian finances, and the degree of resources which Prussia possessed. He said, that by the latest returns of the army, they amounted barely to 208,000 troops, including Bosniaques and Hussars; that nearly one half of these were Poles, French, or composed of every nation of Europe, enlisted in that service. He afterwards drew a picture of the present king, and contrasted what he is, by shewing what he was during the last war, and by describing his conduct and character from the year 1756 to the year 1763. He next asserted, that the king was no longer that great prince and great general which he had with truth been believed to be some years ago; that he was infirm, far declined in years, in corporeal and intellectual vigour, and perhaps sunk in reputation. That he had retired from his people, and lived like a recluse, shut up in the gloomy apartments of Potsdam, scarce seen by his subjects. In fine, that he was no longer the hero who fought at Lissa, at Rosbach, at Prague, at Torgau, and at Lowositz, who carried victory wherever he appeared; who was *ipse agmen*, and who had marked every year of the late war by glories and by trophies, &c. &c. After this portrait of the Prussian monarch, the great features of which Mr. Wraxall rendered very striking, by touching them with a peculiar boldness of pencil, he proceeded to give other reasons against a Prussian alliance. He stated the king's known enmity to Great Britain, and his obvious predilection for France. He spoke also of the subsidy which yet remained due to him from this country, and mentioned the great

inferiority of his force to that of the house of Austria, adducing as an additional argument, the general disaffection of his soldiery, who complained, that in the late rupture with the emperor, they had not been led on as they used to be in former wars, when they had been almost uniformly victorious.

Having finished all he wished to urge with regard to Prussia, Mr. Wraxall turned to the favourite object of his speech, the recommendation of an alliance with Austria, which he urged in a very persuasive and powerful manner. He drew a picture of Austria, describing with great accuracy its vast extent of dominion, its great resources, the number of its army, and its present state of finance. He said, that the Imperial forces at this time amounted to 243,000 men, mostly drawn from the hereditary kingdoms and provinces of that extensive monarchy; and that they could be with ease augmented to 320,000, as was actually the case, previous to the treaty of Teschen, in the month of April 1779. He spoke also of the situation of the Austrian empire, as far as it rendered her capable of annoying and attacking France, and reminded the House of our ancient alliances and wars under Leopold, Joseph the First, Charles the Sixth, and in the year 1742, in the reign of Maria Theresa. The mention of this princess, led him into a description of the court and capital, which he followed with a description of Maria Theresa herself. That great princess, he said, though attached to England in the beginning of her reign, and though in some measure indebted to us for the diadems she wore, yet in the evening of her life, had become, from various private and political causes, fatally estranged and alienated from the English nation.

He spoke of her religious prejudices, and of her attachment to France. He observed, that she had three daughters married to princes of the house of Bourbon, and accounted for her disinclination to war, from religion, from age, and from other powerful motives. He emphatically said, the guardian gods of the Britannic empire removed her, by death, on the 29th of November last, an event which occasioned a great change in the court of Vienna. He next drew a picture of the present emperor, Joseph the Second, stating his age, and describing his education, ambition, activity, and courage. He declared that the present emperor had a perfect knowledge, not only of his own dominions, but of France and of various parts of Europe. He said, that since the Emperor

 Adrian,

Adrian who bareheaded and barefooted had traversed at the head of his legions, the vast provinces of the Roman empire, no prince had so accurately and so minutely visited his territories as Joseph the Second had done. He described his thirst of glory, and above all, his desire of opening the commerce of India and of the world to his subjects, in glowing terms. He followed this with an eulogium on his enlarged mind and capacity, declaring that the emperor entertained a dislike to France, and a jealousy of that neighbour, both of which were rather confirmed than removed by his late journey to Paris; on the contrary, that he had a sincere regard for the English nation; a regard which we might improve greatly to our advantage: for the emperor was superior to all religious prejudices, or the influence of mere family connection; he had shewn himself capable of great exertion in every department of state; his reign was just opening, and his present situation such as would give every possible facility to negotiation. Mr. Wraxall said further, that the emperor's superiority over the King of Prussia as a power of Europe was prodigious; that his conduct during the short war of 1778, and the ascendancy which his troops then gained over those of Prussia, proved at once his ability as a general and his power as a prince.

He added, that the emperor had an army of between three and four hundred thousand men, the finest troops in Europe, who idolized their sovereign, were all anxious to shew their zeal and attachment to him, and had expressed some mortification when their royal master sacrificed his martial ardour to the pacific disposition of his late parent. He likewise reminded the House that we had some claim to the emperor's friendship, having supported his grandfather's pretensions to the crown of Spain, and established the tottering throne of his mother, the late empress. He directed the attention of the House to the emperor, as to the descendant of Leopold, whom we had sustained against the arms of Louis XIV. As to the nephew and the grandson of Joseph the First and Charles the Sixth, for whom our ancestors had fought and bled in Spain, in Flanders, and in every quarter of the earth; as to the son of Maria Theresa, whom we had rescued from the oppression of the house of Bourbon. After enforcing these and other arguments, and after having drawn a most animated character of Joseph, and described and dwelt on his virtues and qualifications, with all the warmth of a passionate admirer, Mr. Wraxall said, the question that must

naturally

naturally result to the House from what they had heard relative to the present emperor, must be—How was the emperor to be induced to help us? To this he should answer, by making him three great leading propositions—First, by a vote of a million, to enable him to take the field; secondly, to open Antwerp as a free port; thirdly, to offer him in India, Malacca, Ceylon, Cochin, or even Negapatnam.

In support of these three propositions, Mr Wraxall argued for a considerable time. With regard to the first he made an able defence of it, and shewed its absolute necessity, proving the emperor's want of money by facts, and arguing as a consequence, that there was the greater probability of his being open to such an offer. He met the objections that he foresaw would be made, on the score of the present national distress of Great Britain, and did them away, by declaring at once, that if under our present circumstances, and for such a purpose as the obtaining so powerful an ally, we could not spare a million, in God's name let us instantly beg peace on our knees, as Louis the Fourteenth did at Gertruydenburg in 1709. With regard to the second proposition, that of opening the port of Antwerp, he first described Antwerp, and the Schelde, and then the city of Amsterdam and the Texel, shewing that the former was every way superior in point of situation to the latter, and in point of commercial convenience and advantage. He compared the two rivers, and their navigation and depth of water; from the whole of the comparison it was evident that Antwerp was vastly superior, as a port, to Amsterdam. He then spoke of the impediment to the present navigation of the Schelde, declaring that he was well informed the Dutch had not merely sunk a parcel of stones, but that with great pains and labour, and at a large expence, they had built within side of a vessel of considerable magnitude (which served as a kind of caisson) a regular work of stone, cemented and joined together in the strongest manner, with a view to enable it the better to resist the depredation of time, and the attempts of engineers to remove it. The impediment, he said, he nevertheless did not consider as irremoveable, though the getting it away would probably cost a large sum.

He then entered very minutely into another important obstacle to the revival of the trade of Antwerp, which was the fortress of Lillo, constructed by the Dutch in 1584. Lillo, he said, was situated on the eastern bank of the Schelde, about eight miles north-west of Antwerp, and about three miles above

above the ſpot where that river divides into two branches. This fort entirely prevented the commerce of Antwerp, by the ſevere duties exacted on all articles of merchandize; but in caſe of a rupture between the emperor and Holland, it could not hold out a ſingle day. By way of enforcing this plan of opening the port of Antwerp, he gave an account of the opening of the port of Oſtend by Charles VI. and of our compelling him to ſhut it up again in the year 1728, and ſhewed that immenſe advantages might be gained by Auſtria from following a ſimilar plan, and that the almoſt inevitable conſequence would be great injury to France, the ruin of Holland, and material benefit to Great Britain.

In ſupport of his third propoſition, relative to India, he gave an account of the emperor's protection of Mr. Bolts, and his efforts to eſtabliſh a commerce to India from Trieſte, ſhewing how far he had advanced in that project, and the great perſonal attention which he paid to it, whence he inferred, that the emperor had the utmoſt anxiety to gain an eſtabliſhment in India. As a proof of this fact, he mentioned the circumſtance of Mr. Bolt's having propoſed to one Chaman (who had been ſecretary to the Daniſh ſettlement of Trankebar, on the coaſt of Coromandel) to go as reſident to the iſlands of Nicobar in the Bay of Bengal, where Bolts had erected the imperial flag, though thoſe iſlands are claimed by the court of Denmark. Since therefore it was the great object of the court of Vienna to acquire ſome poſſeſſions in India, he propoſed the offering Malacca, Ceylon, and Cochin, or even Negapatnam, to the emperor, each of which he minutely deſcribed. To add to theſe great and irreſiſtible inducements, he ſaid, we ought likewiſe to diminiſh the duties on Flemiſh laces, and on other articles exported from the Auſtrian Netherlands.

Having thus explained his ideas of the means and terms of the negotiation with the court of Vienna, which he had adviſed, Mr. Wraxall went into a conſideration of its conſequences. In order to ſhew which, he firſt gave an ample deſcription of the grand cantonments in Bohemia, Bavaria, Upper Auſtria and Swabia, and then ſaid, that the emperor muſt march towards the Rhine, as Prince Charles of Lorraine did in the year 1744; he muſt demand his patrimony of Lorraine torn from him in 1737, and he muſt re-demand Alſace, as depending on the empire. Could it, he demanded, be doubted, if this ſcheme was practicable? Could it be queſtioned, whether the emperor was able to force a paſſage acroſs

across the Rhine? How often has Mersi and Monteculi and Piccolomini passed the Rhine in the last century, in defiance of the armies of France? Had we not repeatedly passed it, during the wars of Queen Anne in 1707 and 1708, when George the First, (then elector of Hanover) commanded the allied army? Had not Prince Charles of Lorraine passed it in 1744, when a marechal of France fled before him, when Louis the Fifteenth flew to the rescue of his country and his frontier, when the Austrian army carried terror to the borders of Champagne and Burgundy? All these objects Mr. Wraxall contended were practicable, and that the King of Prussia was incapable of preventing the emperor from sending an army of 50,000 men towards the Rhine, for that the emperor could encrease his army at pleasure, and that the marches he had suggested, might be performed with such infinite rapidity and celerity, that the Austrian army might be at the gates of Strasbourg by the first of June next. What would result from this? France must defend herself, and the moment France is compelled to march 50,000 men fifty miles from her own frontiers, from Metz, Thionville, Strasbourg, and Brisac, or from her garrisons in Flanders, "down falls her boasted navy, her finances are instantly alienated, and no more money can be sent to Brest, Rochfort, or Toulon! Madrid and the Hague will also be instantly shaken, their navy will crumble away, and cannot be recruited, or money found for its equipment. Our object is gained!"

Having thus elucidated his whole plan of advice, and shewed its probable consequences, Mr. Wraxall, drew towards a conclusion, leading to it by a most pathetic exhortation to the House, not to lose time in vain and idle deliberation, but instantly to open a negotiation with the emperor. Impediments, he acknowledged, there were in the way of his project, but they were not insuperable. Great minds conquered obstacles—they were made for them. The destruction of France was incontestible if the emperor joined us, and marched towards the Rhine. England would be saved, restored to her ancient glories, and capacitated to destroy the marine of France and Spain. That navy, he declared, must be destroyed. He knew there was no spell, no magic, no charm, nothing cabalistical in the words *delenda est Carthago*, which had been used by a noble lord [Lord Lewisham] in a former debate, and which some gentlemen had attempted to turn into ridicule; but they were words which conveyed an idea that could not too often be presented to the minds of ministers,

to

to the minds of that House of Parliament, and to the minds of the nation at large! *Delenda est Carthago* must and ought to be the first of all considerations at this crisis; there was no other expedient to be discovered that could save us in our present distress, but destroying the navy of the house of Bourbon.

Mr. Wraxall paid the highest compliments to the abilities of the King's servants; he said he had no doubt of their extensive capacities, and their great qualifications; he only begged leave to recommend to them vigour, firmness, celerity, and dispatch; on all of which, combined, our safety depended.

Mr. Sinclair.

Mr. *Sinclair* expressed a mixture of regret and indignation, in which the latter was the chief ingredient, at this quarrel with Holland, a country bound to this by so many ties of intercourse, a similarity of opinions, and of prejudices, gratitude and interest. While so many powers were leagued against Britain, that Holland should join the general confederacy, was indeed astonishing, and to that country we might apply the proverbial words, *et tu, Brute*.

He recollected, on this occasion, the sentiments of De Witt, who had invariably considered Britain as the natural ally and only protectress of Holland. The reasoning of that great and virtuous citizen should raise the spirits of gentlemen in this House, and determine them to defend the greatness of the British empire with manly vigour. De Wit had said, that if ever Holland should break with Great Britain, the latter power, from her superior local advantages, must prevail in the contest.

The Dutch avoided the rocky and dangerous coast of France, even in fair weather, and in tempestuous seasons were obliged to sail under the English coast: how easy, therefore, to intercept their trade in the Channel, and how easy to drive them from the coast of Scotland, from the fisheries on which, to the eternal disgrace of the English, they drew annually five millions sterling. He exhorted the House to be firm. There were yet spirit and resources in this country sufficient to extricate it out of all its difficulties: but if you flinch, if you lose by timid counsels, your rank and dignity amongst the states of Europe, farewel—a long farewel to all your greatness! for when we fall, we fall, like Lucifer, never to rise again!

He said, that if there was despondency, it was only in the senate. All ranks without doors were in the highest spirits, fitting out privateers against the enemies of their country, and subscribing money for its defence. It was a shame that

any appearance of doubt and fear ſhould exiſt within the walls of that Houſe: for his part he would never encourage any ſpeeches againſt the propoſed addreſs, or any amendments; but declared, from his ſoul, his hearty reſolution to reſiſt all the enemies of his country.

Alderman *Sawbridge* ſaid, he felt no ſhame in endeavouring to mollify the reſentment of a natural ally, now an unnatural enemy. He did not wiſh that any violence or precipitation in that Houſe ſhould encreaſe the flame He rather wiſhed to ſoften matters by moderate ſpeech and prudent councils. He proved that miniſtry had been the aggreſſors in all the wars in which they are involved. He inſiſted that the haughtineſs of Britain had combined the world againſt her; and that the war with Holland was unjuſt and impolitic. While France was the firſt power in Europe, the nations around were confederated againſt her: when Britain roſe to an envied pitch of greatneſs, a juſt apprehenſion of a ſimilar hoſtile confederacy ſhould have taught her juſtice, wiſdom, and moderation. Ald. *Sawbridge.*

Lord *J. Cavendiſh* had made no oppoſition to a war with Spain and France, becauſe thoſe nations were the aggreſſors. Here, he confeſſed, when a war was declared againſt Holland, he pauſed. He wiſhed for farther information on that ſubject. He wiſhed to know if it was unavoidable. The noble lord had complained that the Dutch had broken the treaty between their country and this; but had proper means been uſed in order to engage them to abide by the treaty? Was the noble lord to be informed that treaties never bound any nation in oppoſition to ſtrong paſſions or intereſt? Had any pains been taken to keep the paſſions and the intereſt of Holland on our ſide? Lord *J. Cavendiſh.*

The noble lord had talked of the operation of French gold in the United Provinces. And what if ſome Engliſh gold had been ſent over to counteract the operation of the French gold? It was often worſe employed. He would not give his negative to any motion that implied a reſolution to ſupport a war againſt the Dutch: but he deſired time to conſider of it. He therefore propoſed, as an amendment to the addreſs, that inſtead of the words *unavoidable neceſſity of carrying on hoſtilities*, &c. the words *rupture with Holland* ſhould be inſerted.

This was propoſed as a leading amendment to another, the purport of which was, that the Houſe would take the papers before them into conſideration, and if it ſhould appear that the war with Holland was unavoidably neceſſary, then the Houſe would ſupport it.

 Sir

Sir Edward Astley. Sir *Edward Astley* represented the growing burdens of this country, and asked ministers and placemen, whether they would set an example of chearful support, by contributing to the public cause out of their great pensions and salaries?

Sir Francis Basset. Sir *Francis Basset* asked Alderman Sawbridge, who, he said, had declared that the conduct of Great Britain had been haughty and unjust, for all the world thought it so, whether majorities were always in the right, and minorities always in the wrong?

Mr. Fox. Mr. *Fox* said he was as little apt to despond as any man: but true courage did not consist in blindly rushing forward upon danger, but in opening our eyes, estimating its magnitude, and devising means of escaping from it. The origin of this rupture with Holland, Mr. Fox ascribed to Lord Suffolk's memorial to the States General in the year 1777. This alarmed the pride and jealousy of the Dutch, and gave the French faction an handle against the friends of England. These are the friends you wish to support rather than the French; a proud and haughty people, who want to treat you as their dependents, and not as a free state.

Mr. Fox contended, that all the troubles which fell upon this country originated in a change of political opinion. For had the true whig principles prevailed, that prevailed in the days of King William and Queen Anne, at least in the first part of her reign, and in the two subsequent reigns, America would now have been fighting by the side of Great Britain, or rather, the liberties of America not having been invaded, the occasion of all the quarrels that now subsist would have been prevented. But the interest of the prince, that is, of the ministry, was now conceived to be different from that of the people; the honour of the crown was to be maintained at the expence of the ruin of the people, and provided they governed, the condition of those who obeyed was a matter of indifference. The reign of Charles II. had been called an infamous reign. But not one of the Stuarts had done so much mischief to this country as the present ministry. The mischiefs done in the reigns of the Stuarts, were retrieved by a revolution in political principles, but the ills that had happened in the present reign were irreparable. The Empress of Russia, and his present Majesty, had mounted the thrones of their respective empires, much about the same time. But how great the difference in the two reigns! Great Britain had declined with a suddenness equal to the rapidity with which Russia had arisen to her present eminence.

He

He did not accuse ministry of want of sense, or want of acuteness and penetration. Even errors of judgment, which were pardonable in individuals, were crimes, indeed, in ministers; for if they were not fit to hold the reins of government, they had no business to grasp them. But it was not with want of capacity that he charged them; they had capacity, but it was all exhausted; not in foreign politics, for that was the business of the nation, but in managing that House, and other similar things, which was their own interest. But it was commonly said, we are in a bad state; but what signifies it to enquire how we came there? the matter is, how shall we extricate ourselves from it. Mr. Fox encountered this reasoning in this manner.—This would be good reasoning if we were reduced to the last extremity of wretchedness; but it is not good reasoning so long as we have any thing to hope for, and are not reduced to absolute despair. While it is possible for ministry to lead us, through their misconduct, into a more deplorable condition than we are in at present, the enquiry into the cause of our growing calamities is neither impertinent nor useless. When the Colonies revolted, it was said, what is the use of enquiring into the cause of this misfortune? Let us endeavour to retrieve it. But I insist, said Mr. Fox, there was an use in enquiring into the cause of that evil; for if we had done that, we should have had no war with France and Spain. When that war happened, the same silly question was repeated; and I repeat, now, that if ministry had been removed on that occasion, we should not now have a war with Holland.

And now it remains to equire, whether it may not be possible to prevent a war with Russia, Portugal, Sweden, &c.—The noble lord says, "Upon my word I do not know whether we shall have our honour to defend against Russia and Portugal; but this I know, that Great Britain has never given them any provocation, and therefore has no reason to dread their resentment."

But, Sir, we know, from the noble lord's authority, that we had never given any provocation to France or Spain, yet they became our enemies. It was an unreasonable thing to expect such an event, yet it happened; and how do we know but a war with Russia and Portugal may also happen to us?

I wish the noble lord would give us some gleam of hope, by telling us any reason he may have for thinking this will not be the case. Should all these powers combine against

us; should the Russian, Swedish, Danish, and Dutch fleets, be added to the fleet of Bourbon, to which the boasted Spanish Armada was, in the noble lord's opinion, but a trifle; will it be that fleet that will protect us, which has been, I do not say skulking, for these two years, but retreating (as Admiral Darby lately did, as is said, before an inferior force) up the Channel, that will save us?

The Secretary at War boasted, that we had lost nothing last year. But if *delenda est Carthago*, meaning the fleet of France, how will these negative advantages gain that object? This is now our motto, *fugere et fallere tempus triumphus est*, &c. &c.

Lord G. Germain. Lord *G. Germain* said, he would not attempt to follow the honourable gentleman who spoke last, through all that variety of matter which composed his speech. He could not hope for the attention of the House, if he went into so wide a subject as the cause of the American war. He would only make some observations which occurred to him, which he did, and among which were these.

He arraigned the folly of those who supposed we might make peace with America when we pleased. He said, if the war with Holland was not unavoidable, why not impeach ministry for involving the nation in blood, and wasting the public treasure?

His lordship concluded with observing, that although insinuations had been thrown out with respect to the part which Russia was to take in the present hostilities, a part which was suspected to be adverse to this country, he for his part asserted, that he had received no information whatever to make him give any credit to this report, neither did he believe it.

Mr. Burke. Mr. *Burke* followed Lord George, lamented much the dreadful situation into which this country had been plunged by the folly and ignorance of ministers.

He asked what was the reason we were at present without an ally? This was owing to a spirit of arrogance in our councils. The consequence was, that after Holland, we should have Russia and all the other armed neutral powers against us. In the natural course of things, that which carried an evil aspect turned out often to be beneficial in its consequence. Peradventure, added he, this armed neutrality, hostile in appearance to Great Britain, might in case of extremity interpose

terpose and raise up its friendly arm to support her from sinking and to preserve the proper balance of power: but now that we had rushed on precipitately to attack one of these armed powers, the others, connected together by the same treaty and alliance, would soon follow.

That Holland might be considered, from her situation and other circumstances, as a kind of general market, in which all the kingdoms of Europe were more or less connected. Her commerce was a kind of commercial neutrality; and so enlarged were her views, as not only to supply other nations at war, but even her own enemies, with warlike articles, to be employed against herself. A nation, therefore, considered as so universally useful, her cause would be a common one. He concluded with adding, that he could not give his approbation of a war big with such dreadful consequences, without having more material information before him.

Mr. *Dunning* observed shortly, that after what the honourable gentleman [Mr. Burke] had said, nothing remained for him to say; he would only observe, that he did not understand by what law we could call upon the States General to punish an individual, for forming a new project with respect to commerce, and what punishment could be inflicted upon him; he could only think of one precedent, and that was of Czar Peter of Muscovy, who, when his ambassador was insulted by some sheriff's officers, sent over to demand reparation for the injury, and it was supposed that a present of some of their heads could be the only satisfaction. Mr. Dunning.

The question being put, whether the amendment stand part of the address, the House divided, for the amendment 101, against it 180.

Lord *Mahon* moved another amendment, which was to leave out the last paragraph of the King's message, and to insert "That the House will immediately apply itself to examine, with the most serious attention, the causes which have led to this new and unfortunate situation of hostility against the ancient and natural ally of this kingdom, and when satisfied of the necessity of such a measure, will exert their utmost endeavours to support the honour of his Majesty's crown and the real interests of his people." Ld. Mahon.

This was negatived without a division: upon which the main question was put, and agreed to.

January 26.

Not members sufficient to make a House.

January

January 27.

The addrefs reported and agreed to. Adjourned to the 29th.

January 29.

The addrefs prefented to his Majefty at St. James's.

The humble Addrefs of the Houfe of Commons to the King.

"Moft Gracious Sovereign,

"WE, your Majefty's moft dutiful and loyal fubjects, the Commons of Great Britain in Parlament affembled, return your Majefty our humble thanks for your moft gracious meffage, and for having been pleafed to communicate to this Houfe your Majefty's public declaration of the caufes and motives which have obliged your Majefty to direct letters of marque, and general reprifals, to be iffued againft the States General of the United Provinces and their fubjects.

"Permit us, Sir, to affure your Majefty, that we take a moft fincere part in the concern and regret which your Majefty expreffes, for the unavoidable neceffity of hoftile meafures againft the ancient friends and natural allies of your kingdoms.

"We acknowledge, with the warmeft fentiments of gratitude, the wifdom and moderation of your Majefty's conduct, in ufing every endeavour, before your Majefty proceeded to extremities, to prevail on the States General to revert to that fyftem of found policy which ufed to govern their councils in the beft times of the republic, and which formed and eftablifhed her union with Great Britain, for the common intereft and mutual fafety of both countries.

"We beg leave to affure your Majefty, that your faithful Commons will, with a firm and determined refolution, fupport your Majefty againft all your enemies, in the profecution of this juft and neceffary war, for the maintenance of the honour of your crown, and of the rights and interefts of your people."

His MAJESTY's *Anfwer.*

"Gentlemen,

"Nothing could give me fo much fatisfaction as this very loyal and affectionate addrefs.

"I return you my moft cordial thanks, for the zealous affurances of the continuance of your fupport; and I affure you, on my part, that I never called for that fupport except when I was convinced that it was effentially neceffary for the welfare and fecurity of my kingdoms, and for the maintenance

nance of the honour of my crown, which I shall always consider as inseparably connected with the interests of my people."

January 30.

Decollation of Charles I.

January 31.

Mr. *Hussey* moved, That there be laid before this House, an account of the number of letters of marque and reprisals granted since the present war, distinguishing the number against America, France, Spain, and Holland. Mr. *Hussey*.

Earl *Nugent* said, he was surprised at such a motion, and begged to know if there was any precedent for it. Earl *Nugent*.

Mr. *Hussey* desired to ask the noble lord if he had any objection to make to his motion? Mr. *Hussey*.

Earl *Nugent* said, he thought the motion unusual, and that it might do harm, by informing our enemies the number and force of the ships described by the motion. Earl *Nugent*.

Sir *Joseph Mawbey* said, the objection would apply equally to every motion relative to the army and navy, of the state and amount of which the enemy were as well apprized as we were. Sir *Joseph Mawbey*.

Sir *Richard Sutton* asserted, that the enemy had not complete accounts of our navy; they might have a general list of it, but that list did not describe them its condition, the number fit for sea, the number in dock, under repair, &c. The present motion, however, was of a very different complexion. It was for an account of the number of letters of marque and reprisals that had been issued, not the state of the public but the state of the private force of the nation, of which our enemies could have no information already, nor were likely to obtain any, unless they came at it by the present motion. Sir *Richard Sutton*.

Right honourable *T. Townshend* said, he could not sit silent, and hear such an interpretation put upon his honourable friend's motion, which he had opened fairly and temperately; and therefore it was unjust and indecent to impute it to so dishonourable a motive. Rt. hon. *T. Townshend*.

Lord *North* said, his honourable friend near him [Sir R. Sutton] had not imputed any motive whatever to the gentleman who had made the motion, but had pointed out to him what would be the probable consequence of his motion, if agreed to by the House; his lordship added, he did not doubt, when the honourable gentleman considered that it was always customary, when a motion for any particular papers was made, Lord *North*.

made, for the mover to ſtate to what purpoſe or enquiry thoſe papers were deſigned to be applied, in order that the Houſe, previous to their determining on the motion, might judge of the propriety of the enquiry. His lordſhip concluded with begging that Mr. Huſſey would withdraw his motion, becauſe undoubtedly it tended to give the enemy very material information, which they could not otherwiſe procure.

Mr. Huſſey. Mr. *Huſſey* ſaid, attacked as he had been, he would ſtate to the Houſe for what purpoſe he had made the motion, and how he meant to apply the information it would give. Undoubtedly he did not deſign it to ſerve the enemy, and if it had ſtruck him as likely to have any ſuch effect, he would not have made it; the reaſon why he made it was, in order to aſcertain, by the number of letters of marque and repriſal that had been iſſued, whether his ſuſpicions, that proper exertions were not uſed to man the navy, were well or ill founded. If the number of letters of marque were as numerous as had been reported, certainly his ſuſpicions were well founded, and great blame was due ſomewhere. From what the noble lord had ſaid of the probable effect of his motion, he would conſent, with the leave of the Houſe, to withdraw it; but he begged leave to aſk the noble lord two queſtions: the one was, whether it was intended in conſequence of the rupture with Holland (which he thought a very unfortunate affair for this country) to apply to Parliament for 20,000 more ſeamen? becauſe if miniſters did not mean to make ſuch an application, he would himſelf move it. His other queſtion was, as the noble lord would probably in a fortnight, or a month, come to the Houſe with notice of a new loan, whether he was making it in ſuch a manner as to provide a prop for the credit of the nation, and not borrow it at ſuch high intereſt as he had done of late, in conſequence of which, if ſomething was not done ſpeedily, the national credit would go—he was aſhamed to ſay where?

Lord North. Lord *North* paid ſome very high compliments to Mr. Huſſey on his zeal to ſerve his country, of which he ſaid he had met with many inſtances, and acknowledged that he had frequently received great aſſiſtance and information from his abilities. His lordſhip then ſaid, there were various reaſons which muſt ſtrike the Houſe, that made it highly improper to mention any thing there relative to the loan, till after it was ſettled; but if the honourable gentleman would do him the favour to let him ſee him out of the Houſe, he would inform

inform him fully as to the matter in question, and gladly profit by his advice.

Mr. *Hussey* said, he chose to say what he wished to say there, rather than elsewhere; that what he alluded to, was to know whether any thing was done to take care of the sinking fund. Mr. Hussey also reminded the noble lord, that he had not answered his question about the navy. Mr. *Hussey.*

Lord *North* said, he believed there was no intention of applying for more seamen this year. Ninety thousand had been voted, which were 20,000 more than had ever been voted before. The reason why no further application was intended, was, that the admiralty always employed all they could procure, and 90,000 was supposed to be the outside of what they could get. Lord *North.*

The order of the day was then read for the House to be called over.

Sir *Joseph Mawbey* said, when the House was thin, he meant to have persisted in his motion for the House to be called over that day; but seeing the House was tolerably full, and in order to comply with the request of several gentlemen, he should now move to discharge the former order, and renew the order for a call on the 8th instant. Sir *Joseph Mawbey.*

On the question being put, the House divided: Ayes, 83; Noes, 154.

The House was called over.

The next order of the day for bringing the late sheriffs of Coventry to the bar was read. A great unwillingness appeared in several gentlemen to pursue the business; for not one of them was prepared with any plan or method of proceeding, and for some time they were debating upon mere forms.

The sheriffs were brought to the bar, and the return, or rather no return, made to the writ for Coventry, was acknowledged by them to be theirs: they begged to be heard by their counsel, and withdrew. Mr. Byng moved that their prayer might be granted.

It was argued on one hand, that some charge ought to be made against them, before they should be put upon their defence; and that if no one stood forward with a charge, the sheriffs ought to be discharged, according to the maxim of law and justice, that every man must be supposed innocent against whom no guilt has been proved.

On the other hand it was contended, that this maxim would not apply in the present case; for as obedience was

due to the king's writ, and as the sheriff was armed with the greatest extent of power to enable him to execute it; as he could call upon and compel every man, from the age of sixteen to sixty to assist him, the non-compliance with the writ was *primâ facie* criminal, and consequently the presumption was against the sheriffs.

Many observations were made on this mode of proceeding; and as it was adopted by the House, Mr. Burke thought it was precedented only in Virgil's hell, where the judge Rhadamanthus, *Castigatque, auditque dolos, subigitque fateri*, beginning with punishment, then proceeding to hear the merits of the cause, and lastly, having recourse to the rack to extort confession.

Mr. Byng's motion was agreed to.

The sheriffs and their counsel were all called in; as also the counsel for Lord Sheffield and Mr. Yeo against the late sheriffs, and after some short time spent in arguing, the further consideration of the business was, on the motion of Mr. Adam, adjourned to the 7th of February.

February 1.

Mr Estwick. Mr. *Estwick* rose and said, Mr. Speaker, I rise to trouble you with one word only. The House having resolved to grant the sum of eighty thousand pounds, for the relief of our distressed fellow-subjects in the island of Barbadoes, however disproportioned this grant may appear to be, when compared with the losses sustained in that island, yet, Sir, when, as a member of this House, I consider the heavy burthens under which this country labours, and, as the agent for the island of Barbadoes, reflect how much that country would patiently suffer, rather than willingly add to the distresses of this, I feel it incumbent upon me, Sir, as a member of this House, to stand up in my place, and, as the agent for the island of Barbadoes, not only to declare my entire satisfaction with the sum that has been granted, but, through you, Mr. Speaker, humbly to request of the House, that it will be pleased, for this mark of its liberality and bounty, to accept my most grateful acknowledgments, my best and warmest thanks; hoping and trusting too, Sir, at the same time, that, under Providence, and by the reiterated industry and honest labour of upwards of one hundred thousand still remaining manufacturers in that island (for so every colonist is, Mr. Speaker, the sweat of whose brow is the wealth of this nation, whose every shilling spent is that shilling spent in Great Britain) the island of Barbadoes, by reassuming its wonted

wonted use of a colony, may, for the support it has now received, render in time to come, tenfold to the riches, to the strength, to the power, and to the greatness of this its parent state. I beg pardon, Mr. Speaker, for this intrusion of myself upon you: but the respect I have for the House would not suffer me, upon such an occasion, to be silent.

The right honourable Sir Fletcher Norton being come into the House for the first time since the first day of the present session, the speaker immediately addressed him in the following terms:

"Sir Fletcher Norton, *The Speaker.*

"This House, on Monday the 20th of November last, came to a resolution to thank you for your conduct in this House.

"Your knowledge of the constitution, makes it unnecessary to inform you how great a mark of distinction is conveyed to an individual, by the approbation of so important and principal a part of the constitution.

"Your affection for the Commons of Great Britain, augmented by the services you have rendered to them, and which is the subject of the present acknowledgments; will, I am persuaded, excite in you those generous feelings, which become a person conscious of having deserved the good will and thanks of his country.

"I will detain you no longer than whilst, in the name of the House, and the words of their resolution, I thank you, Sir Fletcher Norton, late speaker of this House, for your conduct during the time you filled the chair in the two last Parliaments."

Upon which Sir *Fletcher Norton* stood up in his place, *Sir F. Norton.* and returned the House thanks for the honour they had done him, and the speaker thanks for the particular civility with which he had complied with the commands of the House.

Agreeable to a request made by Mr. Fox, the clerk of the House read the copy of the charges exhibited against Admiral Keppel by Vice Admiral Sir Hugh Palliser, and the sentence of the court-martial, with the copy of the charge and sentence of Sir Hugh Palliser's court-martial, and the entry of the speech of Sir Fletcher Norton (as speaker of the House) when he delivered the thanks of the House to Admiral Keppel, and the entry of the admiral's answer, after which

Mr. *Fox* rose again, and began with saying, there was no *Mr. Fox.* gentleman less accustomed than he was, to apologize for the motions, with which he from time to time thought it his

duty to trouble the Houſe, but on the preſent occaſion as the motion, which he ſhould make at the concluſion of his ſpeech, would undoubtedly point to two particular individuals, he thought it incumbent upon him to ſay, before he entered into an explanation of the grounds on which he reſted the propriety and juſtice of his motion, that he was actuated by no perſonal motives whatever. He knew not that man on earth againſt whom he harboured the leaſt perſonal enmity, and leaſt of all, did he feel any againſt thoſe two individuals, who would be thought by the Houſe, and who certainly were meant by him, as the immediate objects of his motion. He had no perſonal enmity whatever, he did aſſure the honourable gentleman whoſe name he ſhould be obliged to mention pretty frequently in the courſe of what he had to ſay, againſt him, nor againſt his Majeſty's miniſters, public enmity againſt him and them, he felt and avowed. Public enmity occaſioned by their public conduct, deteſtation excited by the miſeries and misfortunes which they had entailed on their country. He ſaid, he conſidered the honourable gentleman, the governor of Greenwich Hoſpital, as one great cauſe of thoſe calamities under which this country was now ſuffering, and therefore he felt againſt him, all that public enmity which ſuch a juſt ſenſe of his conduct ought to inſpire. He conſidered Sir Hugh Palliſer as the man, who by giving way to his boiſterous and unruly paſſions, had almoſt ruined that ſervice on which alone we could depend for the protection of this country in the hour of danger, and as the only probable means, if any there were, of extricating us from our preſent difficulties. It was on theſe grounds, and theſe only, that he was the public enemy of the honourable admiral, the public enemy of thoſe who abetted and ſupported him. Having ſaid that he was actuated by no motives of perſonal enmity, he alſo aſſured the Houſe, he was not influenced on the preſent occaſion by private friendſhip. Not that he diſclaimed private friendſhip, no, God knew, he conſidered his intimacy and connection with his honourable relation (Admiral Keppel, who ſat below him) as the chief honour and happineſs of his life, but his honourable relation's character, his virtue, his glory, were too firmly eſtabliſhed to need aſſiſtance, if ever there was a man whoſe character met the deſcription of the poet exactly, *merſus profundo pulchrior evenit*, the admiral was that man! Let thoſe who had attempted againſt his life and his honour bear witneſs to this truth! See him attacked, charged, criminated, and ſent to trial, on an accuſation of the moſt ſeri-

ous

ous nature. What is the consequence? He comes purified from the ordeal, his honour is clearer than before, his glory beams with renovated lustre! See him at Windsor! See the attempts that are made, successfully made, to separate him from constituents who had thought well of him before, and always, till then, been happy in their representative, and for ought he knew, had been his constituents for two, three, or four successive Parliaments! What is the consequence? The county of Surrey, who saw with indignation the oppression practised, who saw the enormous influence of the crown opposed to virtue, popularity, and reputation, (that influence of the crown, of which the last Parliament had complained, and justly complained) they receive him with open arms; they knew his merit, his integrity, and his virtue; they revered his splendid character, and they invited him to become their representative. Thus oppression, as it always will do, produced its opposite effect, and thus his honourable relation, by being driven from Windsor by the influence of the crown, is sent to Parliament the representative of one of the first counties in England. Therefore he stood too high in fame, too full of glory, to require additional support, or to make the serving him, a motive in the design of the motion he should make.

He next observed, that he was not unaware it might be said, how improper it was, when unanimity was so necessary in the navy, to stir a matter which had a little subsided, and the revival of which might renew animosities. To these opinions, he said, he fully assented; *non movere quieta* was a maxim to which he entirely subscribed. Be it upon their heads, therefore, who began to stir the old cause of discontent! Let those answer for the consequences who revived the dispute; he washed his hands of it. It was the ministers that had broached the subject, those who had advised his Majesty to appoint Sir Hugh Palliser governor of Greenwich Hospital. They had brought him forward out of that obscurity which he seemed to have thought most becoming him; and they only were to atone to their country for the mischiefs that would ensue. The advocates of the ministry might say, the government of Greenwich Hospital was no great matter, and that it did not signify much. Those who were inclined to reason in this manner, were not aware of the consequences that would follow, nor the great inconveniences, that suffering the present appointment to pass uncensured by that House would occasion He did not like to make invidious allusions; but they had already an instance of the extreme difficulty of arguing against the bestowing of additional ho-

nours upon that man [Lord G. Germain] who having been once degraded and declared unworthy of ſerving again, had been ſuffered to be inveſted with confidence and honour. How did any man know that the government of Greenwich Hoſpital was the only ſituation into which Sir Hugh Palliſer would be brought? How did the Houſe know that it was not the intention of miniſters to give Sir Hugh Palliſer the command of one of our fleets? and then if the appointment was attempted to be animadverted upon, would not miniſters be furniſhed with this ſtrong anſwer to all objection? "You did not complain of the appointment of this gentleman to the government of Greenwich Hoſpital, it was at that time you ſhould have objected, to object now is to perſecute." It was for this reaſon, Mr. Fox ſaid, that he thought it neceſſary at that moment to take the ſenſe of the Houſe on the firſt poſt of honour and profit given to Sir Hugh Palliſer.

He ſaid the principal purpoſe or object of his motion was the appointment of Sir Hugh Palliſer to the government of Greenwich Hoſpital, which he conſidered as an inſult on the honour of the navy, becauſe what man who felt as a gentleman, could be happy in the ſervice, or could ſerve his country with that zeal and ſpirit, from which alone the navy of England had gained its great reputation, when a poſt of high honour and profit, which had hitherto always been beſtowed on thoſe officers whoſe fame was unſullied, and who had deſerved beſt of their country, was given to a man convicted of having preferred a malicious and ill-founded accuſation againſt his commanding officer? The appointment of Sir Hugh Palliſer to the government of Greenwich Hoſpital, under all the circumſtances of it, was a meaſure of ſo much criminality, and at the ſame time was ſo glaringly iniquitous, that he knew not ſcarcely how to argue it, to give it a ſtronger impreſſion on the minds of the Houſe, than it muſt neceſſarily have of itſelf. It reſembled one of thoſe ſelf-evident propoſitions, which bear the name of axioms in mathematics, on which nothing can be ſaid to make them clearer than they are of themſelves. The only mode of reaſoning, therefore, that he could adopt, was to ſuppoſe objections, and then to oppoſe thoſe objections with arguments. The laſt time the Houſe debated upon the ſubject, the vice admiral had read to the Houſe a long ſpeech, previouſly prepared for the occaſion, the main purport of which had been, as far as he was able to underſtand ſuch parts of it as he had heard, to arraign and call in queſtion the whole conduct of the court-martial that tried

Admiral

Admiral Keppel, and in particular to impeach the sentence, and charge the court with violent injustice, in having declared the vice admiral to have preferred a malicious and ill-founded accusation, the motives of the vice-admiral not having been submitted to their consideration. He had since enquired into the usage of courts-martial, and he found it was their general practice, when they acquitted the person accused, to declare their opinion of the nature of the accusation. He would therefore first suppose, a similar objection to be opposed to him now, and that it would be contended, that Admiral Keppel's court-martial had passed an extrajudicial censure on Vice Admiral Sir Hugh Palliser, in declaring, that his accusation was malicious and ill-founded. In answer to this, he should assert, that they had an undoubted right to give their opinion upon the motives of the accusation, both from the nature of their jurisdiction, and the general usage of courts-martial. They had the best opportunity of learning those motives, because all the facts being before them, (the accusation specified formally, and all the evidence called in support of it, that the accuser thought proper to adduce,) they were perfectly competent to say, what the motives of the accuser were, and when, like Sir Hugh Palliser, he scandalously failed in his proof, and there came, even from his own witnesses, the fullest refutation of his charges, courts-martial were bound in justice to the honour of the officer accused, not only to acquit him, but to pronounce upon the motives of the accuser. This he asserted was no new doctrine; it was justified by long practice. He had brought with him two or three precedents, which would suffice to support what he said; innumerable precedents, it was well known, were to be found. The first case he should mention, was that of Capt. Cotton, in the year 1766; in the sentence of whose court-martial, the accusation was declared to be groundless, and malicious. Again, in the case of Capt. Lee, (the sentence of whose court-martial he read,) the Court had, in severe terms, reprobated the accuser, and his accusation. The third precedent he had brought, was that of a land court-martial, upon an officer a member of that House [General Monckton] whom he did not see then in his place, but of whom he should never speak without that respect which was due to a brave man;——he was tried by a court-martial, which sat at the Horse Guards in 1764, and which had declared, in their sentence of acquittal, "that the charges preferred by Captain Colin Campbell, against General Monckton, were

false and infamous; that it appeared to them, that the accuser had been actuated by the worst motives, and that they had reason to believe the accuser had imposed upon the commander in chief, by a falsehood, to induce him to order the court-martial." From these precedents, Mr. Fox with great strength of argument affirmed, that the custom of a court-martial pronouncing upon the accuser's motives was common, and therefore the argument, that it was extrajudicial in Sir Hugh Palliser's case, was frivolous and absurd. Besides, what was it but arraigning the honour and the justice of the officers who composed Admiral Keppel's court-martial, to question any part of their conduct? To prefer one individual before another was common, because one man might excel another; but to prefer one set of men before another was illiberal, because in all large descriptions of men there naturally must be men of integrity and virtue. If however any profession was particularly better enabled to judge of points of honour than others, it was surely the military profession; and if he could ever be brought to say, one branch of a profession deserved more credit as men of sincerity than another, he should say it was the naval branch, and for this plain reason; the military generally residing in great cities, and populous towns, imbibed all the manners of the times, and as a division of the army was always attendant on a court, and made a part of the parade and pageantry of princes, they naturally were accustomed to a more courtly stile of talking than other men, whereas naval officers, living chiefly on the boisterous element, far from courts and princes, were remarkable for a roughness of manners and a blunt integrity of speech, calling every thing they mentioned by a plain word, and describing their thoughts exactly as they were. When, therefore, a court-martial, composed of naval officers of the first character and of acknowledged honour, called an accusation malicious and ill-founded, which accusation they had fully investigated, he should, were there no other reasons to induce him to think it were so, be strongly inclined to believe that the accusation was malicious and ill-founded; but he did not doubt he should be able to prove, to the satisfaction of the House, that there were other reasons; that the House, during the late Parliament, had been of opinion, that the accusation against Admiral Keppel had been malicious and ill-founded; and even that Sir Hugh Palliser himself acquiesced under the sentence, and tacitly admitted his criminality.

Let gentlemen consider the time and the manner in which the accusation was preferred by the vice admiral against his honourable relation. Was it as soon as he came ashore after the 27th of July? No. The House knew it was not. When then? Why at a considerably distant period; and what were the circumstances? The vice admiral goes out a second voyage with Admiral Keppel. He says not a word of his having any charge to make, but keeps his accusation in his own breast, and he tells us now, that he did not then make the charge, from motives of regard to his country. What, will he pretend that a feeling for the national welfare suffered him to sail a second time under the command of an officer, guilty in his mind of those five charges which he afterwards preferred against him? Was it a desire to promote the public good that induced him to suffer a man so criminal to keep the command? Ought he not rather, if he had any such feelings, to have made the charge the moment he set his foot on shore, and to have dragged that traitor, that coward, Admiral Keppel, to immediate trial, and not have suffered him to enjoy a second opportunity of disgracing the British flag by his ignorance, his negligence, his cowardice, and his treachery! It was not therefore from a regard to the good of the service, or the good of his country, that the accusation was so long concealed, or that it was ever made. The fact was, the vice admiral never dreamt of making any charge till he thought recrimination necessary. When he heard that murmurs were stirring, and that his own conduct was questioned, then it was that he thought of charging his commanding officer as a criminal. Let the House remember the compromise that he offered to Admiral Keppel: a compromise which his honourable relation disdained to accept! What was Sir Hugh Palliser's letter to Admiral Keppel but a threatening letter? A letter of extortion? Did not this application sufficiently prove, that the vice admiral was neither actuated by motives of zeal for the good of the service, nor zeal for the good of his country? What was it short of the practice of a man who committed a highway robbery?—an attempt, not to obtain money indeed, but to obtain a certificate of character, through the impulse of fear? Here surely therefore was ground sufficient to pronounce, that the motives of the accuser were not honourable; and when it was considered that the charge was preferred on avowed principles of recrimination, every man must see that it originated in malice. But not only the court-martial, who pronounced

it a malicious and false accusation, thought it so, that House thought it so likewise, for they had voted their thanks, with one dissenting voice only, to Admiral Keppel; and what was the language of the speaker when he gave those thanks? Add to this, what had been the conduct of the vice admiral himself? Had he come down there immediately after the trial was over, and complained of the conduct of the court martial? No. He had acted a very different part. He had resigned his lieutenant generalship of marines, he had resigned his government of Scarborough castle, he had resigned his seat at the admiralty-board, and he had taken in exchange for them, what?—The valuable office of steward of the Chiltern hundred! What was this but an acquiescence in the justness of the sentence, a tacit acknowledgement of the truth of the opinion pronounced upon the accusation, and a desire to retire from public notice, arising from a consciousness of criminality! Again, when he had made a motion to address his Majesty to take away Sir Hugh Palliser's flag, a motion which he had afterwards been induced to withdraw from its being suggested, by his worthy friend General Conway (now absent on account of illness) that it looked like persecution, and that it would be sending the vice admiral down to his trial, under prejudices,—what had at that time been the language of the House? What had a learned gentleman said, who, he was glad to see was that day in his place? Had not that gentleman declared, he would move to impeach the minister who should venture to employ Sir Hugh Palliser again? And had not another learned gentleman, now lord chief justice of the common pleas, pressed that the vice admiral's flag might remain with him till his death, that it might fly over his grave, since it never could again be hoisted at the mast-head of any of his Majesty's ships? It was evident, therefore, that the crown lawyers at that time did not think the declaring the accusation to be a malicious and ill founded accusation, was an extrajudicial opinion. With regard to the right of reply upon his trial, which the vice admiral claimed, he should only say that the right of reply was not essential justice, that even in criminal courts it was thought so invidious, that it was rarely claimed, and that in land courts martial it was never allowed.

He added, that it was altogether unwarrantable for the vice admiral or for that House to question the conduct of Admiral Keppel's court-martial, unless they set on foot a proper and impartial enquiry, and after absolving the members of the

the court-martial from their oaths of ſecrecy, and examined them at the bar, as to their ſenſe of the accuſation. Has any thing happened, he aſked, ſince the ſentence declaring that Sir Hugh Palliſer had preferred a malicious and ill-founded accuſation was pronounced, to alter that general and well-founded opinion? The only event that had the leaſt relation to it was the ſecond trial, but had that removed the ſtigma? By no means. It did not even honourably nor unanimouſly acquit Sir Hugh Palliſer, but on the contrary, charged him in ſo many expreſs words with a poſitive neglect of duty? And here, he ſaid, it would not be amiſs to examine a little into the management of that court-martial. At the ſame time that he ſaid this, he begged leave to be underſtood as meaning to ſpeak, not to its conduct, but to its conſtitution. A diſtinction worth attending to: for whoever ſpoke to its conduct, arraigned and queſtioned the proceedings of the court, and conſequently arraigned and queſtioned the juſtice and the honour of the officers; whereas they who ſpoke, as he meant to ſpeak, to its conſtitution, merely examined the proceedings of thoſe perſons under whoſe influence and management the appointment of the court was ſettled. He was far from impeaching the ſentence of that court-martial, though he could not help thinking there was ſtrong ground for ſuſpicion as to the manner in which the court was inſtituted. Mr. Fox then read over the names of the officers who ſat upon Sir Hugh Palliſer's court-martial, and ſhewed that Captain Duncan was by accident a member of it, that a nephew of Sir Hugh Palliſer (who might have had leave of abſence) ſat upon it, and that three of the other members were officers of the blue ſquadron, and if there had been guilt found, would have been implicated in that guilt. Upon the whole, there was, as he had obſerved, great ground for ſuſpicion of manœuvering and trick in the conſtitution of the court. The vice admiral's conduct alſo was liable to doubt; for in what manner had he ſettled his evidence and the witneſſes, whoſe names he had given in? He had not, like Admiral Keppel, deſired that every officer in the fleet might be called, but had aſked for particular perſons, and for Captain Keith Stuart and another gentleman, whom he had never examined. Theſe gentlemen, it was true, were examined by the judge advocate on the part of the crown, but they were not called by the vice admiral. Was it not therefore warrantable to ſuppoſe, that they were merely ſet down as witneſſes to prevent their being judges? Admiral Keppel's conduct was the

direct oppoſite. Fearleſs of danger, becauſe conſcious of innocence, he had acted in the moſt open, artleſs, and unreſerved manner; nay he had even himſelf put a queſtion to each of his witneſſes, that none of his counſel, nor any one of his friends, would have ventured to have propoſed for him to aſk. The queſtion he alluded to was the general queſtion which he put to every witneſs, not what particular ſpecies of neglect and miſconduct they obſerved in him on the 27th of July, but whether or no they ſaw any inſtance of negligence or miſconduct in his behaviour the whole day? And yet notwithſtanding the different conduct of the two admirals, and the different conſtitution of the courts that tried them, what had been the ſentences? By the one, Admiral Keppel had been honourably and unanimouſly acquitted, and his accuſer pronounced a falſe and malicious accuſer; by the other, Sir Hugh Palliſer was ſaid to have behaved in an exemplary and meritorious manner in many inſtances, which directly implied that his conduct had been the reverſe in ſome inſtances: he was then condemned as having been guilty of criminal neglect, in omitting to let the Admiral know by the Fox frigate, the condition of the Formidable, and after that he was acquitted. So that the ſentence of acquittal had neither the word "honourable," nor the word "unanimous" in it, and even, while it acquitted, fixed a charge of criminality.

The ſecond ſentence, he ſaid, confirmed the firſt; for who would be the man to prefer a malicious and ill founded accuſation againſt his commander, but an inferior officer, who had himſelf been guilty of a neglect of duty? From ſuch a quarter only was it likely that ſuch an accuſation ſhould ariſe. He who is conſcious of guilt cannot bear the innocence of others; he tries to reduce other characters to his own level; and the hiſtory of mankind teaches us, that the higheſt, the moſt virtuous, the moſt glorious of men, are the moſt envied, the moſt hated, and the moſt liable to calumny, detraction, and malevolence. Hence the accuſation againſt Admiral Keppel, and hence the record of the vice admiral's malice! But even if the ſentence of the ſecond court-martial had been as warm, as honourable, and as unanimous as that which acquitted Admiral Keppel, if it had placed the conduct of the vice admiral on the 27th of July in the moſt exalted point of view, ſtill it would not have done away the declaration that he had preferred a malicious and ill-founded accuſation againſt his commanding officer;

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and though it might have excited his pity, to be forced to know that true greatneſs of mind did not always accompany diſtinguiſhed valour, and that a brave and gallant admiral ſhould have given way to his paſſions, and have deſcended to the meanneſs of preferring a malicious and ill-founded accuſation againſt his commander, it would not have juſtified miniſters in beſtowing an office of high rank, an office of diſtinguiſhed rank, an office looked up to by the navy as the hope and proſpect of honeſt ambition, on a man who ſtood recorded as a falſe and malicious accuſer.

From the appointment of this man to the government of Greenwich-Hoſpital, he ſaid, every thing dangerous to the public intereſt was to be apprehended. The officers of the navy in general would be diſguſted, becauſe they would ſee that honour and bravery combined were not the merits that were now thought worthy of reward, but that malice and infamy were ſtrong claims with the preſent miniſters. Diſcipline and ſubordination would ceaſe, and the ſpirit of the navy would be broken; thus would the great and only ſolid ſtrength of this country be annihilated. Every inferior officer, conſcious of his own guilt, would threaten his commander with a court-martial, and ſeeing that diſobedience of orders was countenanced and rewarded, would neglect his duty, from the idea that he was ſure of protection. What was it that had driven ſo many great and diſtinguiſhed commanders from the ſervice, but that they now found they could not ſerve with ſecurity to their honour. Why was not Admiral Barrington employed? Admiral Barrington, confeſſedly a good officer, and a zealous lover of his country! Admiral Barrington, it was ſaid, was willing to go out ſeſcond in command, but would not accept of a chief command. Admiral Barrington had as much honeſt ambition as other officers, and he preſumed Admiral Barrington was as thirſty of honour; why then did Admiral Barrington decline accepting a chief command? To what could it be imputed, but to his ſeeing that a commander in chief had ſpies ſet upon him, that he was not ſafe, that it lay in the power of his inferior officer to attack his honour, to attack his life, and to bring a malicious and ill-founded accuſation againſt him; and if it ſucceeded, his ruin was certain, at any rate his accuſer would be protected and rewarded. How happened it, that one officer commanded the fleet the beginning of the laſt campaign, and as ſoon as he could know what he was about, reſigned the command, and another was appointed?

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These were all matters that it was fair to suppose had their origin in the mischievous system of the present first lord of the admiralty. He concluded with saying, that no man ought to be promoted, who had rendered himself unworthy of a rank in a profession so honourable as that of the British navy; and by enumerating the several heads of his speech, in order to remind the House of the grounds on which he rested his intended motion; these were, that it proceeded not from personal enmity; that the court-martial, who tried Admiral Keppel, were perfectly competent to declare that Sir Hugh Palliser had preferred a malicious and ill-founded accusation; that the declaration was warranted by a variety of undeniable facts and circumstances; that Sir Hugh Palliser had himself acquiesced in the justice of the sentence; that the House had acknowledged its truth; that the sentence of the second court-martial was neither an honourable nor an unanimous acquittal; and lastly, that the promotion of a person, declared to have preferred a malicious and ill-founded accusation against his commander in chief, was a measure subversive of the discipline, and derogatory to the honour of the British navy.

He then called upon the young members for their support, declaring that he made the appeal from a conviction that the highest sense of honour always glowed in youthful bosoms, and that they were most likely to act according to the dictates of their own hearts, without servilely embracing the opinions of other men. He read his motion, which was "that the appointment of Sir Hugh Palliser to be governor of Greenwich-Hospital, after he had been declared guilty of having preferred a malicious and ill-founded accusation against his commanding officer, by the sentence of a court-martial, was a measure totally subversive of the discipline, and derogatory to the honour of the navy."

Lord *North*. Lord *North* rose, and declared that he should not attempt to follow the honourable gentleman over the vast field of matter which he had introduced, supporting with a great deal of eloquence, as he always did, and he must give him leave to say, with a great deal of art, the motion which had just been read. A motion which carried upon the face of it, and must convey to all who saw or heard it, an idea that Sir Hugh Palliser was declared to have preferred a malicious and ill-founded accusation against his commander in chief, by a court-martial before whom he had been tried on a charge of malice and falshood, and who were thence perfectly compe-

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tent and able to paſs ſuch a ſentence upon him. He thought it fair, therefore, even in that early part of his ſpeech, to inform the honourable gentleman, that before he ſat down, he ſhould certainly move to amend the queſtion, by introducing words tending to ſhew, that the court-martial which declared the accuſation preferred againſt Admiral Keppel, malicious and ill-founded, were not appointed to try the accuſer, nor had they heard him in his own defence. If it were neceſſary to make any motion ſtating the merits of the argument, certainly the whole truth ought to be told in that motion; whereas, as the motion made by the honourable gentleman ſtood, only one part of the truth was told, and that in ſuch a manner, as to prejudice the vice admiral in the minds of all who heard of the motion. His lordſhip begged the Houſe to obſerve, that the motion before them was not a motion tending either to criminate or acquit Sir Hugh Palliſer, but a leading motion to condemn and convict miniſters of having adviſed his Majeſty to beſtow the government of Greenwich-Hoſpital on an unworthy object. The Houſe therefore were to act in a judicial capacity, and to try him and the reſt of the King's ſervants upon the point ſtated in the motion; for if blame were due, he was free to admit, that a part of it belonged to him in common with other miniſters; he truſted however he ſhould be able to make it appear, that the motion was falſe in fact, that it was unjuſt, and that no blame was due, for that miniſters had done no more than their duty. With regard to the honourable gentleman's argument, upon the competency of the court-martial to pronounce upon the accuſer's motives, he did aſſure the honourable gentleman and the Houſe, that he had not the ſmalleſt intention to arraign the court-martial, or to queſtion their conduct; but this he muſt ſay, their opinion that the accuſation was malicious and ill-founded, was undoubtedly an extrajudicial opinion. The honourable gentleman, foreſeeing that the objection would be made on that ground, had, with a wonderful deal of ingenuity, endeavoured to prove, that the opinion was not extrajudicial, but the mode in which he had argued it, was obviouſly an attempt to confound and miſlead the Houſe, rather than a fair endeavour by candid reaſoning to impreſs conviction on the minds of all who heard him. The honourable gentleman had taken a great deal of pains to maintain that the court-martial ought to have done this, and had a right to have done that: the queſtion was not what the

court ought to have done, but what it did. The court-martial certainly had pronounced the accusation malicious and ill-founded, although the accuser had never been heard as to his motive. The honourable gentleman had said, that the right of reply was not essential to justice, and rarely claimed by an accuser. The honourable gentleman, from the trouble he had given himself to make himself master of the subject, could not but know, that in naval courts martial, it was no unusual thing to claim it, no unusual thing to exercise it. In the trials of Admiral Knowles, and of the captains who accused him, it was claimed and exercised on all the trials. Abundant and recent instances could also be adduced to prove that the right of reply was not so rarely claimed as the honourable gentleman was pleased to say it was in the courts of criminal law. But the honourable gentleman feeling that his argument was not sufficiently strengthened by the precedents which he produced, and nobody ever denied that there were not precedents to be found, had recourse to another method of gaining his point, and had endeavoured to demonstrate the malice of the motives of the accusation, by referring to the antecedent conduct of Sir Hugh Palliser, as well as to his conduct after the trial. The word *recrimination* is the great instrument of proof which the honourable gentleman applies, in hopes to fix an impression on the minds of the House, that the accuser was stimulated by malice. Will the honourable gentleman be pleased to recollect that recrimination may be innocent; it may arise from a good motive as well as from a bad one. The man who tells another who first charges him with a crime, "If you do not withdraw your charge, I will charge you with another crime," such a man undoubtedly is a criminal recriminator, and his motive is a base one. But that is not pretended to be the complexion of the present case. The vice admiral finds himself censured, and that by the officers of the commander in chief. Censure from such a quarter, is no light matter; every man of honour must feel it to the quick, must be anxious to get it explained; an officer who has not this feeling, can neither be a brave nor a good man. The vice admiral instantly applies to the commander in chief to do him justice, and he fails in his application; feeling as every man of spirit must feel on such an occasion, and anxious to do away the calumny that is in circulation, and tends to point him out as the cause of a circumstance, not very agreeable to the people of Great Britain,

viz.

viz. the fact, that a fleet of France had escaped from a British squadron of equal force, he appeals to the public, and lays the blame where he thinks it ought to lie. This is the fact; but where the malice lies is not so easily to be discovered. The line of conduct was natural; any man, with the best intentions, might have done the same. Had the vice admiral rested patiently under the slander, slander not so light as common newspaper abuse, but coming from something like authority, his christian forbearance might have excited praise, but his sense of honour would not have been deemed over-proof. What were the charges? Were they false facts? Certainly they were not; for the honourable admiral who was tried upon them, did not deny but justified them. Then it being admitted that the charges were true in fact, it follows, surely, that the motives might be bad information, ocular deception, or error in judgment. But what accusation had Admiral Keppel preferred? He has repeatedly told this House he never preferred, he never would prefer any; where then was the recrimination? Either it must be admitted that the commander in chief accused first, or it can never be said that the vice admiral recriminated.

The honourable gentleman had argued, that the House had itself adopted the sentence of the court-martial in all its parts, and that the vice admiral, by his resignation of his offices and employments, had acquiesced under it, and tacitly admitted its justice. These were very extraordinary arguments to use! What! because the House at a time when a kind of phrenzy and madness prevailed, passed a vote of thanks to Admiral Keppel, in which vote, he and others, merely on account of the temper of the times, silently acquiesced, did it follow that they adopted the whole of the sentence of the court-martial?—By no means. He thought then, and he thought now, that the declaring the accusation malicious and ill-founded, without having tried the accuser upon any such charge was an extra-judicial opinion. It certainly was an extra-judicial opinion, and so it must remain. As to the language of the speaker, it was natural for the gentleman who filled the chair at the time to use the language of the sentence as nearly as he could; but then the honourable gentleman says, "the House ordered the speech and the honourable admiral's reply to be printed;" it was a motion of course, and the same reasons which prevailed for gentlemen not to resist the first motion, prevailed again in that instance. But the honourable gentleman has said, that Sir Hugh Palliser's resig-

resignation of his places and employments was a tacit admission of his criminality. Does the honourable gentleman mean to say, that no man resigns but from a consciousness of criminality? Surely he will not be the first to lay down that doctrine! He knows that resignations proceed from different causes. The cause of a resignation may be good, it may be bad, or it may be indifferent. If the honourable gentleman's position, that resignation proceeds from a consciousness of guilt, were carried to its full length, every man, who like the honourable gentleman, resigns a good employment, might be said to acquiesce in a charge of his own guilt, and thereby furnish evidence against himself.

Quam temere nosmet legem sancimus iniquam.

Some men resign their places for the sake of the public quiet; some resign from arithmetical calculations, that it may be wiser to give up a place of small value now, in order to get a better at another time; others again from motives of political sagacity. They discover a storm approaching, and "snuff it gathering in the sky;" they see an administration, as they think, tottering, and they leave them in the hopes of coming into high office, by joining an opposite party. All these, the gentleman well knows, are motives of resignation; why then must it follow that the vice admiral was compelled, either by a bad or an indifferent motive, to resign? For his part he believed the vice admiral resigned from a very good motive; in order to restore the public peace; in order that the storm, the phrenzy, the madness of the times, might subside! Had the honourable gentleman forgot the temper of the times, when the trial of Admiral Keppel was over? Had it totally slipped his memory, that the town was in a tumult for three nights together, illuminated by command of a mob, and nothing but disorder to be seen in every quarter? Had the honourable gentleman forgot that he and his friends were obliged to go out early in a cold raw February morning, to endeavour to quell the tumult, and disperse the mob? These circumstances considered, it surely was a laudable part in the vice admiral, to retire, till men came to their senses again, and till reason took pleace of phrenzy and popular madness. Possibly the honourable gentleman thought those happy times, and that none but those who were conscious of criminality, would shrink from them.

The honourable gentleman had framed his motion, solely by the sentence of one court-martial, and had not taken the least notice in it of the sentence of the other. In the course

of his speech, indeed, he had nibbled at the constitution of the second court-martial, and had endeavoured to shew, that it was settled by manœuvre and trick; all the honourable gentleman had said on that head, like what he had thrown out, on many other points, was merely with a view to confound and mislead the judgment of the House, because undoubtedly the constitution of the court-martial, which tried Vice Admiral Sir Hugh Palliser, was not then the subject under consideration, nor had it any relation to the motion then before the House. Whenever the honourable gentleman was disposed to go into the consideration of that question, he would meet him fairly upon it, and go through it fully; in the mean time he should only observe that the honourable gentleman had expresly said, he had not the least fault to find with the conduct of the court-martial, and although he had declared that Captain Duncan became a member of that court-martial merely by accident, he had not attempted to prove that Captain Walters, (Sir Hugh Palliser's nephew,) was not a member of it also, by an accident. The fact was, a member was taken ill, and therefore Captain Walters was called upon it; putting the one against the other therefore, that part of the argument was settled. With regard to the sentence of the second court-martial, the honourable gentleman has endeavoured to prove, because the express words, "honourable and unanimous," are not in it, the acquittal was neither honourable nor unanimous. This is rather straining the argument, for it is impossible to know how far the acquittal was unanimous, but certainly it was honourable, because it expresly stated that the vice admiral's conduct was in many instances highly *exemplary* and *meritorious*. Surely a sentence recording a matter so strongly, which is in itself a matter of great honour, is an honourable acquittal, and indeed every acquittal from a charge which implies guilt is honourable; but most especially when in opposition to the charge, it states that the conduct of the party tried was highly exemplary and meritorious in many instances. His lordship said, what further rendered it an honourable acquittal was, that the vice admiral went down to his trial when a loud and almost an universal clamour prevailed against him; when every means were taken both within doors and without to prejudice him; when gentlemen in that House did all they could to prevent his being tried, and even urged the not sending him to trial on the popular score of humanity. But what had been the vice admiral's conduct?—he insisted on a trial; he knew that ruin or honour must be the issue, he stood the danger, and his character is re-established! A speech had been read from the votes,

wherein it was said "the generous mind could not reap higher satisfaction than when to the hour of arduous trial the hour of honourable acquittal succeeds." This sentiment should surely be adopted, and universally felt, when a brave man had been acquitted, who had been oppressed and persecuted, but had nobly resisted, and having staked all for his character, had come off victorious. He repeated it, that the present question was not whether Admiral Keppel or Sir Hugh Palliser was most honourably acquitted, but whether ministers ought or ought not to have recommended Sir Hugh Palliser to his Majesty as a fit object of reward, and he contended that ministers would have been highly criminal, considering a long life of services, considering his acknowledged skill and bravery as an officer, and considering his honourable acquittal, for such he contended his acquittal was, had they not done it. He took notice that Mr. Fox had attempted to throw out insinuations that administration persecuted Admiral Keppel at Windsor; the honourable gentleman well knew, he said, that the fact was not so; he had cast the imputation merely to inflame the passions of his hearers, but even if it could be seriously maintained, was it not equally true that opposition used every means in their power to persecute the friends of government, to prevent their elections and to harrass them, where they could not prevent them? His lordship having paid a compliment to the military and naval members, saying he had not the least fear but that they would, as the honourable gentleman had called upon them to do, pay attention to the debate, and do an act of justice by rescuing an injured and gallant officer from the violent rage of unprecedented persecution, concluded with recapitulating the chief points of his arguments, declaring, that the part of the sentence of Admiral Keppel's court-martial, which pronounced the accusation malicious and ill-founded, was an extrajudicial opinion; that Vice Admiral Palliser had never been tried on any such charge; that he had been most honourably acquitted by the court-martial which afterwards tried him, and that he had served his king and country with undoubted bravery and honour for five and forty years.

His lordship then, with the solicitor general's assistance, made several amendments to the motion, which made it run thus:

"That the appointment of Sir Hugh Palliser to the government of Greenwich Hospital, who by the officers who sat on the court-martial held for the trial of Admiral Keppel, and before whom Sir Hugh Palliser was not charged with any

any malice in the accufation of the faid admiral, or heard in his defence, is declared to have preferred an ill-founded accufation againft his commander in chief, and whofe conduct on the 27th of July, 1778, by a fubfequent court-martial, was after a full examination, declared to be in many refpects highly exemplary and meritorious, and who has, during the courfe of forty-five years, ferved the crown both in his civil and military capacity, with great ability, bravery, and fidelity; was a meafure totally fubverfive of the difcipline, and derogatory to the honour of the navy."

His lordfhip, before he fat down, declared, he would confent to omit the amendment wholly, if Mr. Fox would agree to take out thofe words from the motion, "who by the fentence of a court-martial, is declared to have preferred a malicious and ill-founded accufation againft his commander in chief," and would let the motion go to a divifion in general terms, thus: "That the appointment of Sir Hugh Pallifer to the government of Greenwich Hofpital, is a meafure fubverfive of the difcipline, and derogatory to the honour of the Britifh navy."

Mr. *Fox* faid he would not agree.

Lord *Howe* faid, before he fpoke to a queftion affecting minifters, who from his obfervation of their conduct, appeared to have neither plan, forefight, nor confiftency, he fhould beg leave to trouble the Houfe with a few words refpecting himfelf. Adminiftration had lately done him the honour to convince him, that they did not confider him as yet written down. A perfon, who had affumed the character of Cicero, in a feries of letters, which had made their appearance during the recefs of Parliament, had thought proper to charge him with being an enemy to his country, and with having been engaged in treafonable intrigues with Dr. Franklin; but this fubtile fpirit, which avowed a perfect knowledge of the whole tranfaction, had been pleafed to add, "that its compaffion from the nature of its exiftence would ever prevail on it to prefer mercy to juftice, and that it was led to this by fome late marks of penitence fhewn by this deluded and unfortunate nobleman (meaning him) therefore the fubtile fpirit would forbear to mention the intrigues concerted under the difguife of a game at chefs." Now though Cicero had forborne to ftate the nature of his treafon, fomebody elfe might, and therefore his lordfhip faid, he thought it wifeft to tell it himfelf. Whoever the writer was, he was perfectly right as to the fact, but wrong as to the period of time when he chofe to fix it. The matter

Lord *Howe*.

matter did occur, and the game of chess was played, when he had a conversation relative to America with Dr. Franklin, but it was not at the time that Cicero had said it was. At that period he had accepted of his Majesty's commission, empowering him to act for his country in the best manner his judgment should direct, in order to settle the differences with America; whereas the fact occurred a year before; if it was treason, however, it was right the public should know all the traitors, and therefore having stated his own guilt, he thought it incumbent on him to say who participated in it; his fellow traitor was no other than the noble lord in the blue ribbon, who was acquainted with the whole transaction at the time, by Dr. Franklin's consent. The House, therefore, from what he had said, would see, that let Cicero be paid what he might for his pains, he had at least the merit of being active for the money he received.

His lordship now spoke to the question. When the honourable gentleman, he said, who had made the motion, opened the nature of it, he felt himself exceedingly embarrassed, on account of its appearing to him a personal motion, and thought he should not, for that reason, have been able to speak his sentiments upon it, but the noble lord in the blue ribbon had removed the difficulty, and relieved him from his doubts by saying in express terms, "that it was not a motion relative to Sir Hugh Palliser, but a motion solely affecting ministers." The argument advanced by the noble lord, that the court-martial which had tried Admiral Keppel, in taking upon them to declare that the accusation was malicious and ill-founded, had pronounced an extrajudicial opinion, opened to his mind a doctrine of very great importance. For the benefit of the service, therefore, it was highly necessary that the point should be settled and determined immediately, whether courts martial had a right, in passing sentence upon a person tried, to give their opinion of the accusation, and the motives of the accuser? The question concerned every officer in the service, and therefore the sooner it was settled the better. The practice had obtained, and there seemed to him to be a reasonable ground for it. An officer might be accused with charges of a scandalous nature. Charges equally affecting his honour and his life; if courts martial have not a right to declare what the motives of the accuser appear to them to be, where is an officer, who is acquitted, to seek for redress? The false accuser remains unstigmatized and unpunished. He did not mean to decide upon the matter, but the House he trusted would

would agree that it was a point material to be settled forthwith. Another consideration struck him, upon a view of the whole case, and that was, how far an inferior officer ought to be countenanced in preferring an accusation against his commander in chief? Surely every man must see that the command of a large fleet was a very important trust, and a matter that was to be governed, not by ordinary rules of service, but by the experience and judgment of the officer who held it. If commanders, therefore, were to be charged criminally, because they did not act up to this or that subordinate officer's opinion, no man who had a regard for his character, would accept of such a trust. He must take the liberty of saying, that there scarcely ever was an officer who had held such a command, that had not been guilty of mistakes; nay he would add further, that a commander in chief was the better officer for his errors, provided those errors were not of a fatal nature. Trifling errors in judgment, therefore, ought not to be charged as crimes on the suggestion of inferior officers; if such a practice were allowed and countenanced, who would take a command? And if that doctrine was to prevail, what would be the consequence? Every commander in chief, instead of having his mind intent on the great objects of his trust, the conduct of his fleet, the preparation for action, and the proper directions arising from incidental events, must spend a great part of his time in soothing the officers under him, in making them his creatures, and in enticeing them to do what he thought their duty. The House must see, that if this were the case, there would be an end of all discipline, and the authority of a commander in chief would be lost entirely.

The noble lord in the blue ribbon, his lordship said, had taken great pains to prove that the sentence of the second court-martial, (that which tried Sir Hugh Palliser,) was an honourable acquittal. He had himself read that trial through very attentively, but he could not comprehend nor understand the sentence. It stated first, that the vice admiral's conduct, in many instances, had been highly meritorious and exemplary; it then charged him with an omission of duty, and next acquitted him. What puzzled him was how to find out of what the vice admiral was acquitted? In the charges as they were called, upon which he had been tried, there appeared, to him at least, to be no accusation. The vice admiral, therefore, strictly speaking, could neither be convicted nor acquitted.

His

His lordſhip ſaid, he would ſeize that opportunity of ſaying a word upon a topic that had been diſcuſſed in that Houſe before the holidays. In the courſe of a debate, it had been declared, that certain officers would be mad if they ſerved under the preſent adminiſtration; and it had been retorted, that the preſent miniſters would be fit for Bedlam if they employed thoſe officers who entertained ſuch an opinion. He would not adopt the ſame idea, but if he might be allowed ſo coarſe a phraſe, he ſhould think the king's ſervants would be fools, if they gave command to any but officers in whom they could place an entire confidence. Confidence was equally neceſſary on both ſides. Officers could never act with ſafety to their honours, and with zeal for their country, without it; and on the other hand, miniſters ought not to have their attention to important objects at home diverted by being obliged to watch the conduct of their officers, and regard their proceedings with a narrow-minded jealouſy and ſuſpicion.

Mr. *Miller*. Mr. *Miller* ſaid, the part of the kingdom he came from, [Scotland] regarded Sir Hugh Palliſer in a very different light from that in which the honourable gentleman had choſen to deſcribe him. That the moſt conſiderate and candid of his conſtituents conſidered the vice admiral as a gallant officer, perſecuted in a cruel manner, and endeavoured to be ſacrificed to party connexions, by thoſe who, on all occaſions, ſtood forward the determined foes of government, and ſtopt ſhort at no means of embaraſſing its neceſſary operations. He could not diſcover that the preſent queſtion was of ſuch vaſt importance as the mover of it had declared it to be. The appointment of Sir Hugh Palliſer to the government of Greenwich Hoſpital was nothing more than an ordinary inſtance of the exerciſe of the royal prerogative. How then was the conſtitution likely to be affected, if the appointment was not made the ſubject of parliamentary cenſure? The honourable gentleman who moved the queſtion, had, with a great deal of ingenuity, he muſt confeſs, endeavoured to prove, that the government of Greenwich Hoſpital was intimately connected with the exiſtence of Great Britain, and that the country would be ruined, if the late appointment of Sir Hugh Palliſer to that office were not ſolemnly reprobated by the Houſe. If this argument were true, he could only ſay, that the country was not worth preſerving. Another argument uſed by the honourable gentleman had been, that the appointment of Sir Hugh Palliſer would operate as an encouragement to falſe and malicious accuſers. This argument

gument he could not comprehend nor see which way it was to be supported! Was the annual income of the government of Greenwich Hospital in any degree equal to the income that Sir Hugh had given up? Certainly it was not; the morality of the navy, therefore, was in no danger from lucrative views; Sir Hugh Palliser had gained nothing by having accused Admiral Keppel; he had lost considerably. Again the honourable gentleman had asserted, that the appointment of Sir Hugh Palliser would create ill-blood and dissension in the navy. The appointment had taken place for some months, and the honourable gentleman had not stated a single instance of its having had that effect. Possibly when the next day's news-papers had been read, and the hint, as suggested by the honourable gentleman, was published in every print, the hint might be adopted, and the effect might begin to appear. Who would be to blame in that case? The honourable gentleman had taken up some time to prove, that the sentence of the court-martial which tried Sir Hugh Palliser was neither an unanimous nor an honourable acquittal; and the honourable gentleman had rested a chief part of his argument upon the fact, that neither of those words were used in the whole sentence. With regard to the first word of the two, from what sources of information did the honourable gentleman deduce his position? Its not appearing on the face of the record was not conclusive upon the point; but admitting, for the sake of argument, that the acquittal was not unanimous, surely it would be no difficult matter to prove, that an acquittal by a majority of a court, after a long, rigid, and scrupulous trial, was much more honourable than a rash and good-natured unanimity. What did an acquittal, that had not been unanimous, imply, but that a case had been sifted and examined again and again, and after considering it in every possible point of view, that the majority were convinced the person tried was innocent? Unanimity might have been the hasty resolve of a moment, which on due consideration the majority might repent. With regard to the word honourable, he concluded that whenever it was adopted in a sentence of acquittal, it was a redundancy, and rather suggested a doubt of the justice than confirmed the honour of the acquittal. Whence did real honour arise to a party tried? certainly from the court's having occasion to pronounce him innocent of the alledged crime. The honour arose from the matter of fact, and where that did not convey it, verbal expression could not supply it. Again, the honourable gentleman had said the

ſentence of Admiral Keppel's court-martial had declared Sir Hugh Palliſer a falſe and malicious accuſer; he denied that this aſſertion was grounded. The ſentence only aſſerted, that the accuſation was malicious and ill-founded. He concluded with declaring the motion to be novel in its nature, and calling upon the honourable gentleman, who made it, to ſhew a precedent for it.

Commodore *Johnſtone*. Commodore *Johnſtone* ſaid, he never would admit the doctrine firſt thrown out by the honourable gentleman who made the motion, and adopted by the noble Admiral [Lord Howe] oppoſite to him, "that it was wrong for an inferior officer to prefer an accuſation againſt his commander in chief, and that the practice ought to be reprobated." If that doctrine obtained, the ſervice would be ruined, the honour of every officer in a fleet, would lie at the commander in chief's mercy, and there would be an end of all diſcipline. Who, but the officers of a fleet, could point out the miſconduct of a commander in chief? What was it that preſerved the honour of the ſervice in general, but the circumſtance of every man's being equally amenable to a court-martial, to which he might be ſubjected, at the inſtance of any one officer, let his rank be ever ſo inferior, provided the charge alledged was ſufficiently important to make a court-martial neceſſary? And where was the danger ariſing from this practice? Courts martial, it would be allowed, on all hands, were compoſed of men of the ſtricteſt honour, and of men the moſt competent to decide on the matters ſubmitted to their inveſtigation! Commanders, who acted uprightly and conſcientiouſly, could therefore have no dread of facing ſuch a tribunal. With regard to the accuſer, if his charges were made out, he certainly acted meritoriouſly in having alledged them; if, on the contrary, he failed in his proof, the blame and the conſequences muſt be ſuffered by him. He would not, however, by any means, ſubſcribe to the idea, that a court-martial, appointed to try one man, was warranted in cenſuring another, who had not been heard in his defence; to allow of this, would be to give up the deareſt right of a Britiſh ſubject, the right of not being condemned without a fair trial. At the ſame time, he was aware that it was ſometimes done. He had himſelf ſat on courts martial, where it had been attempted, but it had always been denied as unjuſt and unwarrantable. He was far, however, from meaning to approve of the vice-admiral's whole conduct. He thought his military conduct, in the higheſt degree praiſe-worthy; but his political conduct,

was

was the direct opposite. It was rash, resentful, and blameable. Admiral Keppel, he was as ready to admit as any man, was a brave, a gallant, and a worthy officer. No man was more beloved or respected in his profession, and no man more deservedly. But he could not agree, that the 27th of July, was a day that gave any glory to this country, just the contrary. It was the most unfortunate day this country ever saw. What! teach France, what she had been long accustomed to suppose impossible? Convince her that a French fleet, on a summer's day, could engage a British fleet, superior in every respect, and get safe back to port! Good God, it was scarcely credible, and yet it was but too true! There was great blame due somewhere, for such a disgraceful event; an event the more to be lamented, because Great Britain would probably never have such another glorious opportunity of shaking the marine of France. Where was this blame due? It was a question that must result to every gentleman's mind. Some gentlemen accounted for it one way, and some another. Opinions were divided. Admiral Keppel undoubtedly was a brave man, and a good officer, but that generosity of mind which rendered him so amiable, might lead him into error. He would say what he thought. Admiral Keppel had acted rather weakly, than wisely, in writing that letter to the admiralty, which had been published in the Gazette, if the contents were not really the import of the admiral's opinion. If the vice admiral of the blue had been to blame, he ought to have been stigmatized, not praised. If once commanders overlooked disobedience of orders, and neglect of duty, there was an end of discipline. For his part, if his father, or his brother, or his son, his nearest relation, or his dearest friend, did not do his duty, he would punish him agreeable to the laws of the service. The service could not exist without discipline, and if Sir Hugh Palliser had behaved as ill as the honourable admiral near him had at different times declared he had, he ought to have been brought to an immediate court-martial, as soon as he landed, after the affair of the 27th of July. The honourable gentleman who made the motion, had laid great stress upon Sir Hugh Palliser's not having preferred his accusation against the commander in chief when he first came on shore; surely the argument pressed as strongly against the commander in chief the other way; and the only way to account for it was, that Admiral Keppel's good nature, as a man, got the better of his duty as an officer.

The commodore declared, he was far from meaning to defend the political conduct of Sir Hugh Palliser; he thought it, as he had before said, extremely reprehensible. Had he been in his situation, and found the misfortune and the disgrace of the 27th of July attributed to him, and felt that the imputation was unmerited, the last thing he should have thought of would have been demanding a court-martial upon Admiral Keppel. No.---He would have immediately demanded a court-martial on himself. That would have been the fairest and the least individious way of meeting the odium arising from the calumnies in circulation. Neither would he, had he adopted the line of conduct Sir Hugh Palliser had adopted, and preferred an accusation against Admiral Keppel, have resigned his employments previous to his own trial. He would have kept them every one. Not that he thought it was, by any means, a fair argument for the honourable gentleman who made the motion, to use as a proof that Sir Hugh Palliser admitted that the declaration of Admiral Keppel's court-martial, that his charges against that admiral were malicious and ill-founded, was true. He was very far from being of this opinion. But taking all the obviously censurable parts of Sir Hugh Palliser's political conduct into full view, would any man say, that an officer of such acknowledged bravery, ought to be rendered incapable of serving his country for ever, for what had happened? The trials were published; let gentlemen read them, and judge for themselves upon the whole of the evidence, and not form their opinions merely from the two sentences! Would any man tell him, that when he found by the concurring testimony of the witnesses in general, the vice admiral's conduct in the action was so spirited, so gallant, so glorious, as it was allowed to be, he ought to be given up and blasted for ever, for having been guilty of an error to which all men were liable! When he looked into those trials, and saw how nobly the vice admiral rushed into action and received the whole fire of the French fleet; when he viewed him ranging along the enemy's line, and bravely backing his topsails that he might continue to fight the longer, and when he saw, that after he had passed the last ship of the enemy, he wore his own ship to renew the action, and torn, shattered, and disabled as he was, like a British bull-dog, turned to have another bout with them! When he looked at this, he admired the bravery of the vice admiral, he honoured his zeal, and he thought him entitled to every possible praise! But it was said, that the day

was loſt in conſequence of the vice admiral's not letting the commander in chief know the diſabled ſtate of the Formidable, and the court-martial which tried him, had declared in their ſentence, that it was an omiſſion. A great deal might be ſaid on that point; perhaps the vice admiral might think the crippled ſtate of his ſhip ſufficiently obvious not to require his ſending a meſſage by the Fox frigate. If this were not the caſe, in all probability ſomething would have been heard of it before the trial, becauſe, when a commander of a ſhip did not join his commander in chief, as ordered, by ſignal, it was a matter immediately complained of; all the officers took notice of it, and there was ſcarcely a ſhip in which it was not ſaid, publicly, "Good God, what's that fellow about? why does not he come up?" As nothing like this had been heard of, he took it for granted, that the diſabled ſtate of the Formidable was ſo conſpicuous, that it was unneceſſary to ſpecify it by particular meſſage. Every man in the ſervice knew the great difficulty of reſtoring diſcipline, and getting things to rights in a ſhip, immediately after ſhe was come out of action. Sometimes it was done ſooner than at others, but certainly the longer a ſhip had fought, and the longer ſhe had continued in action, the greater length of time it always took to get the ſhip to rights again. As this matter was extremely delicate, he had aſked many officers, who had been preſent in the engagement, what the impreſſion of their minds was at the moment, and whether at that time it ſtruck them, that the renewal of the engagement was any way impeded by the conduct of the vice admiral of the blue? Three of the officers had ſaid, that they thought it was; but others, ten to one, had declared themſelves to be of a contrary opinion; and all whom he had talked with, the moſt violent againſt Sir Hugh Palliſer on account of his political conduct, as well as thoſe who thought his accuſing Admiral Keppel was not ſo blameable in the extreme as others pronounced it, agreed to a man, that no officer could ſhew more perſonal bravery, nor fight a ſhip better than the vice admiral fought the Formidable in the courſe of his paſſing the French line.

Many, indeed, had joined the popular cry ſince, and had blamed Sir Hugh Palliſer's conduct on the 27th of July, but they had the candour to acknowledge, that it was not their original opinion, not an opinion formed on the inſtant, but an opinion ariſing from converſation with other officers, ſome time after the affair happened. Even the honourable admiral himſelf perhaps thought differently of the action now from what

what he did at the moment of it; from a perusal of the trial, the commodore said he was convinced in his own mind, that the signal for the Formidable to come into the admiral's wake, was not flying so long as the honourable admiral imagined it to have been, but that it was hauled down a part of the time. Again, he was convinced, that even if the honourable admiral himself had the day to go through again, he would have conducted the action differently, have forced the enemy to renew the engagement, and not have suffered them to get safe into port, under a notion that the commander of a French fleet was impelled by as generous feelings as himself, and that he would fight him fairly in the morning.

But upon the whole of the case, notwithstanding the pains taken by the honourable gentleman who opened the motion, (and whose abilities and eloquence were undoubtedly superior to those of any man in that House, and therefore his arguments were the more necessary to be examined and sifted) it was evident that blame was in some degree ascribeable both to the admiral and the vice admiral. The latter's political conduct, he had already said, he condemned, and undoubtedly it was indefensible; but surely some of the arguments used by the honourable gentleman who made the motion, applied as forcibly the other way, as they did to the point to strengthen which they were introduced. If Sir Hugh Palliser was to be blamed for not having made his accusation earlier, surely Admiral Keppel was to blame for having not only wrote his public letter at sea, in praise of the vice admiral, (when if the admiral's language since held were true, he ought not to have written in any such stile) but for having afterwards, when he landed at Plymouth, written a second letter to the admiralty, praising his officers conduct in terms of great warmth, and specifically including Sir Hugh Palliser in that praise. He, like Sir Hugh Palliser, should have felt himself much hurt and injured, at finding himself attacked and censured by Admiral Keppel's officers; but he repeated it, he should not have dreamt of demanding a court-martial on Admiral Keppel; on the contrary, as he had before stated, he would have instantly insisted on a court-martial on himself. The honourable gentleman had made it a great part of his argument to prove, that to arraign the conduct of a court-martial, was in the highest degree unjustifiable, and had reprobated the idea of even mentioning any thing that seemed to question either the integrity or the honour of naval officers, sitting as judges, and yet the honourable gentleman had gone into an examination

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of the second court-martial. Indeed he had with great ingenuity, endeavoured to convince the House, that it was the constitution of the second court-martial that he complained of, and not its conduct. But what signified what the constitution of the court was, if its conduct was admitted by the honourable gentleman to be unimpeachable? It was the conduct of that court-martial, and not the constitution of it, that affected the subject then under consideration. Not that he meant by any means to admit that the constitution of the court was at all liable to suspicion or censure; on the contrary, he was ready to meet the honourable gentleman upon that point, and had no doubt but he could prove to the satisfaction of all who heard him, that the members of it were men of as strict honour, as high virtue, and as immoveable integrity, as ever sat on any court-martial. The honourable gentleman had reprobated the idea of questioning their conduct, and yet he had expressly stated, that four of the members were captains of the blue squadron, and that three of them were implicated in the guilt of the vice admiral! Good God! would the honourable gentleman attempt to argue that this was not questioning the honour of the officers, and arraigning their conduct as judges in the most cruel and most injurious manner!

He wished the House to see the whole affair in a candid and impartial light, and not to be misled by prejudices. The honourable gentleman had rested much of what he said on the proceedings of that House, immediately after the trial of Admiral Keppel, and had spoken of the thanks that had been voted to the gallant Admiral, and the popular joy on his acquittal. Did not every man know, that what the noble Lord in the blue ribbon had observed, relative to the temper of the times at that period, was strictly just? The people were mad, phrenzy prevailed, and those who did not join in the irrational acts of the multitude, were obliged to be silent spectators. The popular fury bore down all before it; even that House caught the infection: He wondered not therefore at the language from the chair to the honourable admiral, nor at the House's having agreed either to thank the honourable admiral, or to enter it upon their Votes as a record of parliament, that they had thanked him for having preserved the honour of the British flag some months after it had been lost; as little was he at a loss to know to what he was to impute the imprudent speeches of some of the gentlemen who constituted that parliament. He would not admit, however, that Lord Loughborough had pressed the House to suffer Sir Hugh Palliser's

liser's flag to remain with him, merely that it might fly over his grave, because it could never be hoisted at the mast-head of any of his Majesty's ships. He did not recollect, that the learned lord, then his Majesty's attorney general, used any such argument; he remembered, that he begged Sir Hugh Palliser's flag might not be taken away, but that it might remain with him till he died; he was pretty certain, however, that the learned lord gave no such reason as the honourable gentleman had thought proper to put into his mouth. But to return to a description of the temper of the public, upon Admiral Keppel's acquittal. Universal riot and disorder not only prevailed with unbridled licence without doors, but was shamelessly avowed, abetted, and defended, in both Houses of Parliament. Let the most zealous friend of Admiral Keppel, (and no man esteemed and admired him more than he did,) look back with a sober retrospect to those times, and ask himself, whether the pretended was the real cause of the popular phrenzy? What had officers who were at sea at the time, and who knew the whole business of the day, said, when they heard of the public transactions, and the reasons assigned for them? What! London illuminated for three nights together! on account of the glory gained on the 27th of July! Oh, God! Oh, God! [covering his face with his hands.] Nobody could credit it; every man of sense knew better; they knew that the popular rapture and joy which burst out in such an extraordinary manner, had something of a more reasonable foundation. It was not to the glory gained on the 27th of July that they imputed the illumination of London, neither was it for the Admiral's having convoyed home mercantile fleets that were in port before he failed; they ascribed the general joy upon the acquittal of Admiral Keppel; but the public satisfaction universally felt on finding that a brave officer, a skilful commander, and a good-natured, honest man, had come off with honour, after an arduous trial.

He then returned to a consideration of the late promotion of Sir Hugh Palliser, and said, if the appointment of that officer was meant as an irritation to Admiral Keppel and his friends, he should condemn it; upon any other ground, he would applaud it, and he hoped it was meant to be followed with actual employment. Let gentlemen ask themselves conscientiously if the services of forty years were to be totally done away for one fault? Ought the gallant vice admiral to be rendered forever incapable of serving his country in his

his military capacity, for having in one instance acted politically wrong? Let the House remember that the vice admiral was the darling officer of that brave and popular commander, Sir Charles Saunders, at the siege of Quebeck; let them look at his actions during the course of the last war; let them not forget what praise was due to him, and what just expectations might be formed of the good effects of his future services, from his behaviour in a single memorable instance a few years since! In that case, what had been the vice admiral's conduct? He came up with two British ships in sight of a French seventy-four. He asked what they slackened sail for? He was answered, they were about to hold a council of war, in order to determine whether the French ship should be attacked. He instantly replied, "Do you debate the matter? I'll fight the ship;" and he followed this reply with immediately giving chace, and attacking the enemy; the result was, he brought the ship back a prize before the council was over!

Was an action like this to be passed over in silence, and totally blotted from the memory, because, at a subsequent period, the same man acts erroneously on shore? Politics and party, he said, were the bane of all services. The brave Walton, who had signalized himself so much by the memorable dispatch which told government, that he had taken, burnt, sunk and destroyed as per margin, had, at one period of his life, suffered himself to be drawn into a confederacy, entered into against Admiral Benbow, by the captains of his fleet, in order to ruin him, by not fighting; but no sooner did he see his brave commander in chief in danger from the enemy, than his friendship glowed with its former warmth, he could not resist its propensity, but broke through his engagements with the confederated captains, and instantly bore down to his commander's assistance, confessing to him afterwards the whole of the plot. Captain Walton was tried for the part he had taken in the confederacy, but the only error he was accusable with, was his agreeing to it, and he was pardoned in consideration of his former good conduct. The consequence was, he rendered his country as essential services afterwards, as ever were performed! Let the example of generosity be adopted with regard to Sir Hugh Palliser, and let not a gallant officer be blasted for ever for one mistake! As to the vice admiral, he did assure the honourable admiral, he respected his character greatly, and he wished most heartily to see him at the head of a fleet again. All the ability and all the zeal of

the service were requisite to extricate the nation out of its present difficulties. The admiral no doubt had his reasons for declining to serve, and he had no right to enquire what they were. In answer however to the arguments which had been urged by the honourable gentleman who made the motion, in order to prove that the appointment of Sir Hugh Palliser to the government of Greenwich Hospital was owing to the partiality of the present lords of the admiralty, he was ready to assert, that the admiralty promotions of late had been distributed with the most scrupulous impartiality, especially those, a list of which was read to the House before the holidays by the noble lord in the blue ribbon; nor was this solely an opinion of his own, it was the agreed opinion of the service in general. Nay he would go further. Admiralty preferments had scarcely ever been bestowed with so much fairness, and so little cause of complaint on the score of partiality and prejudice, as since the present Earl of Sandwich had been at the head of the admiralty commission. But he knew that party never would allow this; the fact nevertheless was undoubtedly what he had stated. He again lamented, that party spirit had infused itself into the minds of officers. It carried them out of that line of conduct which the judgment and honour of brave men should ever preserve; and here, he said, he could not help lamenting at the sight of so respectable a name as that of Admiral Keppel subscribed to a string of resolutions from a Surrey committee. It did not, in his opinion, become the honourable admiral to set his name to a declaration, that the American war was unjust. What would officers gone and going abroad, under instructions to do their duty upon the American service, think, when they learnt that Admiral Keppel, the brave and worthy Admiral Keppel, the idol of the navy, the god of its idolatry, had joined in declaring that all the officers who had served on the American war were no better than pirates, and that the war was a war of injustice and oppression? He could not also but observe, that in a late debate on the Dutch war, a great deal of improper matter had been dropped in that House. Not only the war with France, Spain, and Holland had been reprobated, and the cause of the enemy pleaded with all the zeal of advocates employed against Great Britain, but opinions of a dangerous tendency had been roundly asserted and obstinately maintained. Did any gentleman consider what fatal use might be made of the fact, when it got abroad, that it had been contended in the British Parliament, that neutral bottoms made neutral goods,

goods, and that neutral powers might supply France and Spain with all sorts of warlike stores——!

A cry To Order! The right honourable *T. Townshend* said he spoke to order. No man heard the honourable gentleman with more patience nor with more pleasure than he did, but he must forgive him for reminding him that the Dutch war was not now the subject of debate. If the honourable commodore wished to debate it, he had no manner of objection to going into it immediately, but then it would be right to dispose of the present question first. Rt. hon. *T. Townshend.*

Mr. *Rigby* said, the honourable gentleman's having called the honourable commodore to order, was disorderly. The question before the House was a great naval question. The honourable commodore was speaking to a naval topic, and might make what he said apply as closely to the question in debate as any thing that had fallen from any gentleman who had spoken already, or that might fall from others who were so ready to call the honourable commodore to order. Mr. *Rigby.*

Mr. *Townshend* said, he had not interrupted the honourable commodore in an unhandsome manner, but had done it with all possible civility. Mr. *Townshend.*

Several members calling out, Go on! Go on! the Speaker called to the commodore, who rose again and said, he wished rather to decline saying any thing farther at present.

Admiral *Keppel* said, he had resolved never to rise again to take up the time of the House with talking upon so insignificant a subject as himself. Some things which had fallen from the honourable officer who spoke last, had however rendered it indispensibly necessary for him to say a few words by way of reply. With regard to the argument used by the honourable officer, and by the noble lord, whom he should call the advocate of the governor of Greenwich Hospital, that a court-martial had no right to pronounce upon the motives of the accuser, he considered it as striking at an usage which he had ever looked upon as the rule and bulwark of the service, and without which all rank, command, confidence, and security, would be annihilated. So fully convinced was he of this, that if ever the practice was reversed and abolished, he declared he would sooner give up his commission than sit on a court-martial. The honourable gentleman who spoke last had been very strong in his expressions respecting the 27th of July. God knew he liked as little to hear of that day as the honourable gentleman; but as he felt the satisfaction of having done his duty, as he had the additional comfort of having an unanimous acquittal of a court-martial Admiral *Keppel.*

after a trial, and as he had received the thanks of that House for his conduct, which he should ever consider as the highest honour of his life, he was most perfectly indifferent as to any oblique reflections or any direct imputations that might be thrown upon him, either in that House, or by those writers who were paid by ministers for attacking him in pamphlets and newspapers. At first he owned he felt the force of anonymous calumny, but its source being perfectly known, he had grown perfectly callous, and was no longer vulnerable that way. The honourable officer had said a great deal about the conduct of the vice admiral in the course of the action on the 27th, and had said he fought like a lion. He had never impeached his bravery; on the contrary, he had allowed the vice admiral behaved gallantly as he passed the French line. What he had to complain of, was the vice admiral's neglect of signals after the engagement; for if the lion gets into his den, and won't come out of it, there's an end of the lion. At the same time he said, though he did not mean to throw it out by way of censure, the vice admiral would have done him more service, have been able to have joined him in a better condition, and have put it in his power to have renewed the engagement sooner, if he had passed the French line a little faster. The honourable gentleman had censured him for writing the letter, which he did write from sea. The House knew his sentiments already upon that part of his conduct; no man could condemn it more than he did. But the honourable gentleman had complained further of his having wrote a second letter from Plymouth, in which he joined the vice admiral with other officers whose conduct he had thought worthy. Was there any thing extraordinary in this? Having, before he sent his first letter from sea, made up his mind upon the subject of the vice admiral's behaviour, and suffered himself to impute what at the time appeared to be, and what had been since proved to be, criminal neglect, to accident (not imagining that an officer who had fought so bravely could wilfully disobey orders) what sort of a man must he have appeared, if, when he set foot on shore, he sent up a letter to the admiralty the very reverse of his letter from sea? Not dreaming that his friendship for a man, with whom he lived in terms of the greatest intimacy, would be so ill repaid, as he had since experienced The decision, whether he should overlook the vice admiral's neglect of duty, cost him but little time; and having once decided, he never harboured a hostile sentiment against him, much less could he have brought himself to have acted in such a double manner,

manner, as to have praised the vice admiral in his first and censured him in his second letter to the admiralty. The honourable officer, however, was mistaken in supposing that he took no step to prevent a similar neglect of signals from that committed by the vice admiral on the 27th of July. He had in fact delivered out an order, which though it did the business in a very gentle manner (a matter which he owned he aimed at) nevertheless could not but convey to the captains in general, as well as to the vice admiral's sensibility, a rebuke of his misconduct. The order that he had issued previous to his sailing from Plymouth a second time, as an additional fighting instruction, he would read to the House. [The admiral here read it.] The purport of it was, that the commander in chief's signal, upon forming the line of battle, was to be attended to in preference to any other signal. This additional fighting instruction, he said, had its effect; for on his going out a second time, he found the discipline and obedience of his fleet so much improved, that he considered himself as stronger, by the addition of five ships of the line, than he was on his first cruize; and had he had the good fortune to have met the French fleet, he had not a doubt but he should have proved that the order made that difference. He hoped, therefore, that he should not again hear that he had not attempted to remedy the vice admiral's neglect.

The admiral said further, that the noble lord had put his abilities to the stretch, in order to defend the recriminating principle on which he had brought his accusation against him. The better to elucidate this matter, he would state to the House the facts on which the whole matter rested. On his arrival in town early in the session of 1778, Sir Hugh Palliser wrote him a letter, stating that a paragraph had appeared against him [Sir Hugh] in the General Advertiser, and desiring that he would sign a paper inclosed, by way of contradicting the article which ascribed the failure of the business of the 27th of July to the vice admiral. The governor of Greenwich Hospital called on him in person shortly afterwards, desiring him to sign this paper; a paper which he could not have put his name to, without, at the same time, subscribing some of the grossest falshoods that ever were committed to paper. A conversation ensued between the governor of Greenwich Hospital and himself: in the course of it he had argued upon the impropriety of a commander of a fleet's putting his name to any matter, in a common newspaper, contradicting a publication of such a trifling nature as

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an anonymous paragraph, and had justified his excusing himself on the strong ground, that having written nothing upon the subject himself, but his public letters, the governor of Greenwich Hospital had no right to expect him to sign a contradiction to any thing that might have appeared. They grew warm, and the vice admiral said, "I'll tell all! I'll tell all!" His answer to which was, "Sir, I dare you to do your worst," and having made this reply, he quitted the room. He added, that what he had said, was not only true, but luckily there happened to be a gentleman present at the conversation, who, if the vice admiral pleased, should be brought to the bar, to prove every word he had asserted and that gentleman, on hearing the vice admiral say, "If you don't sign this paper," or something to the same effect, "I'll tell all!" immediately told the vice admiral, that if he knew any thing against Admiral Keppel, which would go to a proof of his having failed in the discharge of his duty, he must be a bad man to have concealed it so long.

In respect to the two courts martial, Admiral Keppel said, it was highly improper, and highly [illegible] to talk of the conduct of officers sitting as judges, in so loose a manner as had been done; if the House were dissatisfied with the sentences of either court-martial, the only fair way of instituting an enquiry into the grounds of those sentences would be, by absolving the members of each from their oaths, and examining them at the bar of the House. By that means, they would get at the truth; and though he had every reason to be content and happy under the result of the former enquiry, he had not the smallest objection to undergo a new one. He had faced one trial, on the issue of which, his honour and life depended; he had no dread of going through another, because he knew no reason to fear the event. The late trials, however, had furnished him with greater knowledge of the nature of the vice admiral's neglect, than he had before imagined was the fact. Had he known as much on the 27th of July as the evidence called by the vice admiral himself had proved, he would have ordered the vice admiral to have quitted his ship, and not suffered the state of the Formidable to prevent the renewal of the engagement.

The admiral said, though he was proud of enjoying the good opinion of every man in the service, he did not feel himself greatly indebted to the honourable officer who spoke last for his compliments; because, in proportion to the praise, which

which the honourable gentleman had given him on the one hand, he had done fully away, by the censure which he had levelled at him with the other, the balance therefore of the honourable gentleman's condemnation and applause was pretty equal. To some of the honourable gentleman's remarks he was ready to subscribe, to others he was prepared to object. That the 27th of July was an unfortunate day for England, he freely admitted; and as he had before said, he wished as little to hear that day mentioned as the honourable gentleman; at the same time, he could not but declare himself much obliged to his honourable relation behind him, for having moved the present question, because at the same time that it afforded the honourable officer who spoke last an occasion for delivering his opinion upon a matter in which his honour and character were deeply involved, it gave him an opportunity of replying and controverting such parts of that honourable gentleman's opinion as were erroneously conceived, and unjustifiably maintained. With regard to some of the honourable officer's animadversions, every man must know how ill they were founded. The honourable officer, among other pointed sarcasms on his conduct, had said, that he was thanked by the House for sending home fleets which were in port before he sailed. So far was this from being a fair account of the events of his command, that it was undeniably true, there never was a year of war in which a naval commander was more successful in the protection of the commercial interests of the kingdom. It was his aim at the time, and it would ever be his boast. He had sent in three several fleets of immense value safe, and in order to effect this completely, he had turned back with his whole fleet (the largest he had ever seen under the command of one man) and had not altered his course till he had driven the convoys up the Channel, and left them in perfect safety.

The admiral thanked the House for their indulgence and patient attention; and concluded with saying, he had come down with his pockets full of papers, had occasion arisen for a reference to any one of them.

Sir *Hugh Palliser* rose, and began with saying, that the last time he had the honour to speak in that House, he was so much indisposed with a cold and hoarseness, that he could not finish what he had to say, otherwise he should have taken notice of several things that then dropped from the honourable gentleman [Mr. Fox] on the other side, who distinguished himself as the leader of the present persecution of him, *Sir Hugh Palliser.*

him. On the present occasion too, as so much had been said by several other gentlemen, who had already spoken in the debate, and in so much better terms than he was capable of expressing himself, he would ask the indulgence of the House to hear him on a few points only.

He said, he found that either he had not been distinctly heard, or was misunderstood by the honourable gentleman in one particular, that of his supposing he meant to attack the sentence of Mr. Keppel's court-martial; in his former speech, he had declared he did not wish to impeach that sentence, so far as related to Mr Keppel's acquittal.

The honourable gentleman claimed a right to quote that part of the sentence which condemned the vice admiral for making a malicious and groundless charge, as a public record, and under the term of that description of it, had said his quoting it was not to be considered in a personal light, but as a right he had to quote, in the freedom of debate, a public transaction for the true information of his constituents and the nation at large. Upon that ground, Sir Hugh said perhaps he could not properly take it up as personal; but he declared, that whenever the honourable gentleman should in future quote that part of the sentence, in the partial and unjust way he had done, he would always rise and reproach him with want of candour; because when the honourable gentleman said that sentence declared him convicted, and condemned him for making a malicious and ill-founded charge, he ought to add, what is also a part of the same record, that he was neither upon trial, nor heard, either in support of the charges which he had regularly and legally brought before that court, nor in his vindication for bringing them, nor in his own defence on the recriminating charge against him, upon which the person upon trial had partly rested his defence: upon all which heads Sir Hugh had repeatedly claimed his right to be heard, and was as repeatedly denied it. Hence it was plain the honourable gentleman did not quote that record, as he called it, for the purpose of conveying right information of a public transaction to the nation at large, but in effect by his partial quotation of it, he misled and deceived the nation, and kept up injurious prejudices against him; therefore he would always reproach him with a want of candour, and of acting a part unworthy of himself: and the honourable gentleman was more open to this reproach than any member would be who had not attended the trial, nor carefully perused the minutes of the trial, for such as had not, by

by being led away by the stream of prejudice raised by noise, clamours, mobs, &c. expressly for the purpose of confounding all truth, and for establishing those prejudices, might not know that Sir Hugh had been refused a hearing upon every point. But the honourable gentleman attended the trial himself; he heard those denials given to the vice admiral; he knew that the objections to hearing him did not originate with the court, but came from Mr. Keppel, who was upon trial. He said, that in his own mind, he was convinced it never had entered into the minds of the court to entertain a doubt about the propriety of hearing him; nay, after Mr. Keppel's objecting to it the first time, the court acquiesced in the declaration of one of its members, that finally, after all the evidence was gone through, they would hear him.

Sir Hugh added, that though the objection to his being heard on the merits in any stage of the trial was first made by Mr. Keppel, yet he believed that it did not originate even with him; for so soon as it was known that Sir Hugh intended to address the court, all Mr. Keppel's friends about him, consisting of many noblemen and gentlemen, leaders in opposition, assembled about a table in court, and appeared to be in consultation; the issue of which was, that Mr. Keppel came forth with his objection in writing, and in the stile of a mandate, said, he objected to Sir Hugh Palliser's being heard on the merits of the cause in any stage of the trial; so that Sir Hugh said, he did not lay the injustice wholly at the door of the court, for he did not think any of the members intended wilfully to do him injustice, but he attributed it to the party which formed the objection to his being heard, and which undoubtedly made it from the apprehension that if he had been heard, the court perhaps could not have totally acquitted Mr. Keppel, or have passed a sentence of malice upon Sir Hugh.

He then went to another point, and said, that the honourable gentleman was not less reproachable for want of candour in his manner of stating the vice admiral's motives for quitting his employments: he might give the honourable gentleman the same rebuke upon this point, as he had met with the other night from a noble lord, a very respectable admiral, for having taken upon him to account for his lordship's motives, without knowing them from himself. The honourable gentleman had attempted to lead his hearers into an opinion, that he did it out of fear of his threats against

him in Parliament, and from a conſcientiouſneſs of guilt: he aſſured the honourable gentleman, that he was never more miſtaken in his life, than in ſuppoſing him afraid of him or his threats; that amongſt all his foibles, that of fear did not belong to him, that fear was a tax which conſcience pays to guilt. Let it therefore be applied to thoſe who wantonly calumniate and blaſt the characters of others, and are afterwards afraid to ſtand a full hearing, object to hear the injured party, and do all that in them lies to prevent that injured party from having a fair trial. He confeſſed, indeed, that upon one occaſion, he was afraid. He was afraid of a mad, deluded, furious mob. This mob firſt forcibly entered his Houſe, and not finding him there, deſtroyed his property, and attempted to pull down his houſe, then proceeded to his houſe in the admiralty, where he was, and forced the admiralty gates, and attacked the houſe; but, at the moment of their forcing an opening into it, the guards happily came to his relief, and ſaved him from being torn in pieces. Then, he confeſſed, he was really afraid, was forced to abſcond in diſguiſe, and conceal himſelf in an obſcure place, for he durſt not ſhew himſelf in London, much leſs offer to come to that Houſe. It was under theſe circumſtances, he wrote his letter of reſignation; what he did on this occaſion, was exactly the ſame as was done by one of the moſt famous admirals we read of in hiſtory, who, under the like circumſtances of prejudices and outrage, which had riſen to a height his friends could not ſupport him againſt, laid down his commiſſion, declaring, he had done it to quiet the people. Afterwards, when thoſe prejudices ſubſided, he reſumed his commiſſion, and rendered more ſervice to his country at ſea than any other man ever did. He was ſpeaking of the famous Dutch Admiral Van Tromp.

What Sir Hugh had done under ſimilar circumſtances was nearly the ſame; and his real motives for reſigning, he ſaid, would beſt appear from his letter of reſignation, written in the obſcure place to which he had retired. This letter, he obſerved, would have been written in a better ſtile, perhaps, if his mind had been more tranquil at the time, but ſuch as it was, he would read it to the Houſe. It was addreſſed to the Earl of Sandwich, and in the following words:

"My Lord,

"After duly revolving in my mind the preſent ſtate of things, and the confuſion into which his Majeſty's ſervice is thrown by the violent meaſures and proceedings of a deluded mob againſt me; and having long perceived a ſpirit of envy and

and jealousy drawn upon me by the favours and honours which his Majesty has from time to time been graciously pleased to bestow on me, as rewards of long and faithful labours in the service of my country, I think it best, in order to abate the rage of prejudice raised against me, and to favour measures to restore tranquility, humbly to beg your lordship will intercede with his Majesty to permit me to resign my commissions as lieutenant-general of the marines, and the nominal government of Scarborough Castle. At the same time, I must beg, through your lordship's favour, that his Majesty may be assured of the continuance of my loyalty, duty, and zeal towards his Majesty, to the last moment of my life, whatever may be my fate, and to whatever low situation I may be reduced.

"I have the honour to be, &c. &c."

Sir Hugh added, that he had lately been superseded in the lieutenant-generalship of the marines by Sir Thomas Pye; but that he still remained governor of Scarborough Castle, with the salary of sixteen pounds per annum. He then appealed to the House, whether this letter betrayed any consciousness of guilt, or fear of the honourable gentleman's threats in Parliament.

Occasion had been taken on a former day, by the same honourable gentleman, to insinuate to the House, that he had acted in this matter under the influence of some persons who were supposed to be enemies to Admiral Keppel. He declared he had not taken any steps under the influence, or with the advice of any man, but had acted in all things, as he thought, consistent with what a military man and a man of honour ought to do, when his reputation is unjustly attacked; that is, he had trusted entirely to the merits of his cause, without applying to any party or set of men, or to any minister, for assistance, countenance, or protection: nor had he applied to any flag officer to interfere by memorial to the King in a cause depending; nor had solicited any officer in the service to take a part in it: yet so strong had the seeds of party been sown in the navy, that after Admiral Keppel's trial was over, and after his own trial was ordered, two flag officers and some captains became so regardless of even the semblance of decency, that even when they knew they were to be called as witnesses on his trial, they signed an address, intended to be presented to the King, praying that Sir Hugh's flag might be taken from him, and that he might not be allowed the benefit of a trial. Such was the baneful influence of party, and so

 much

much was that party afraid of Sir Hugh's having a trial, knowing that at a fair trial he muſt be acquitted, and many diſagreeable truths would come out, that a ſufficient number of officers could not be prevailed upon to ſign the memorial to countenance the delivery of it, and therefore it was dropped.

A good deal had been ſaid to leſſen and depreciate the part he had taken in the action. He was exceedingly unwilling to ſay any thing that ſeemed like ſounding his own praiſe; but he could not help obſerving to the Houſe, that he had gone ſingly and alone into the middle of the French fleet, had fought his way to the end of their line, and had turned again to renew the action. This he had done without ever, in the ſmalleſt degree, ſuſpecting a deſign to ſacrifice him, till it was put into his head; and by whom? by the admiral himſelf. But after doing his duty in a diſtinguiſhed manner in the action, to be attacked and perſecuted as he had been by his chief, and by a confederacy of ſo many powerful perſons, both in and out of that Houſe, was a treatment which no officer in this or any other country had ever met with before, and what hardly any men could bear; however, he thanked God, he had hitherto had the fortitude to reſiſt it.

He next obſerved, that he was glad to ſee an honourable gentleman [Mr. Burke] oppoſite to him, who was lately returned to his ſeat, as he had ſomething to ſay which he ſhould have been unwilling to mention behind his back. He had been told, that on a former occaſion, whilſt he was overwhelmed with injuſtice and oppreſſion, and driven to a ſtate of deſpair and adverſity, the honourable gentleman had propoſed, that an ample penſion ſhould be ſettled on him, to enable him to live comfortably in retirement. This, Sir Hugh ſaid, he conſidered as the moſt indignant inſult which one man could offer to another in his then ſituation. He conſidered it as a bribe held out to him to ſacrifice his own honour, to ſubſcribe to his own guilt, though he knew himſelf innocent, to tempt him to avoid a fair trial, and thereby to conceal from the public, truths which they had a right to know. But, Sir Hugh ſaid, rather than accept ſuch a propoſal, he would ſubmit to be reduced to ſtand at his own gate, and beg from every traveller that paſſed, except indeed the honourable gentleman who was capable of making ſo indignant a propoſal ſhould paſs; for from him, he would not, even under the ſevereſt extremity of wretchedneſs, deign to receive aſſiſtance. Yet he would thank the honourable gentleman for one thing he

he had said; which was, that if Sir Hugh Palliser was obstinately bent on having a trial, he solemnly washed his hands of the poor gentleman's blood, but he would take care it should not be a sham trial; for this, Sir Hugh said, he returned thanks, for he thought that it added lustre to his acquittal.

The honourable admiral who spoke last, had taken occasion to mention Sir Hugh's application to him by letter, and by a personal visit, desiring him to do Sir Hugh the justice to contradict the scandalous reports propagated against him by the admiral's relations and dependants, and the officers of the Victory; and had repeated part of what passed at that interview. He had first to observe, that the admiral had published that letter partially, and not wholly; what Sir Hugh proposed to him was a full confutation of the injurious reports he complained of. But in his letter, Sir Hugh said that any thing more agreeable to the admiral, which might be agreed on, would satisfy him; and, indeed, any thing that amounted to the admiral's authority to contradict them, would have been satisfactory. But he refused it; upon which Sir Hugh spoke, and he was sure the admiral would do him the justice to remember it, in nearly these words: "Is it possible that you can countenance such injurious reports against me? I never yet knew why the battle was discontinued, or not immediately renewed and continued till it had been decisive. I cannot let the matter stand upon this footing; my reputation is wounded; the nation is dissatisfied; they have a right to know, if there was any fault, where it lies." Sir Hugh added, when he visited the admiral, he found him alone; that they remained by themselves, sat down, and were discussing the subject very dispassionately, when a third person came in; after which every thing that passed was with warmth and anger. The admiral quitted the room, and as Sir Hugh did not chuse to have any conversation with the other gentleman, he went away, and immediately contradicted, in his own name, the injurious reflections against him. This had highly offended Mr. Keppel, as he had refused his authority for it; and he came down to the House of Commons, and fixed a stigma on Sir Hugh, by declaring he would never serve with him again: and insinuating, that he had disobeyed his orders, but yet refusing to bring him to a court-martial. Sir Hugh, therefore had afterwards applied for courts-martial on both.

The honourable admiral, in his speech, had thought proper to mention that he had occasion to rebuke the captains, and that, to prevent the like error in them in future, he had, when at Plymouth, issued an order (which he had read to the House) for better explaining the method of forming the line of battle; but how ungenerous was it to rebuke officers, and mention it in that House, for errors or mistakes, if there were any, when they were occasioned by a deficiency in his own orders. The regulation the admiral mentioned, he never knew omitted by any commanding officer under whom he had served; and he had by him those instructions from every commanding officer under whom he had served since he had been a captain.

Here, he said, he could not help calling the attention of the House to a matter, which he thought materially concerned the welfare of the naval service. What must be the state of the minds of officers, when they reflect on the proceedings of Admiral Keppel's court-martial, and on the new doctrine maintained that night, when they are told, that they may be condemned, degraded, and their reputations taken away without trial, and without a hearing; and in confirmation of this doctrine, a great sea officer had stood up in Parliament, and declared, that he could at any time, with a fillip, set aside another sea officer of high rank, not indeed equal in rank with himself, but next in degree, and high in reputation, in that respect, equal to and of as long service as himself: and when they reflect also, that Admiral Keppel had done that by this officer, without putting him upon trial, or even suffering him to be heard. Think on the consequence of this precedent, if it should govern future courts martial.

Mr. Burke. Mr. *Burke* said, he never rose in that House without some pain, being perfectly conscious that however pure his intention might be, and however great his zeal to serve his country, he was but little entitled to trouble the House, and rarely made made them amends for the attention with which they honoured him; but if his uneasiness was at any time of his rising peculiarly painful to him, it was so most of all, when he had occasion to speak upon so miserable and insignificant a subject as himself. Such, however, was his situation at that hour, that he was under the necessity, the indispensible necessity, of troubling the House upon the singularity of what had happened to him. Before he came into that House (out of which, God knew, he was extremely willing to have continued, had his friends been of the same opinion that he entertained) he had

had heard that the noble lord in the blue ribbon, in the course of a debate which had taken a turn towards the very topic at that moment under th consideration of the House, had done him the honour to allude to some words supposed to have fallen from him in a debate two years since, and which words were the cause of the expressions of anger used against him by the honourable vice admiral opposite to him in one part of his speech. He stood thus singularly circumstanced: the noble lord, professing to defend the vice admiral, and professing to pay a compliment to him, had held up his supposed words, as a proof of his liberality and benevolence towards the vice admiral, and as a proof of his persuasion of that gentleman's merit and claim to reward from the crown. Such was the comment, and such was the construction put upon his phrases by the noble lord; those very phrases, which the honourable vice admiral spurned at with indignation, and declared he felt to be the most indignant insult that could be offered him, because it was a bribe, held out to him to sacrifice his own honour, to subscribe to his own guilt, though he knew himself innocent, to tempt him to avoid a fair trial, and thereby to conceal from the publick, truths, which they had a right to know." The honourable vice admiral had gone further,—had said, he would sooner be reduced to the necessity of begging his bread at his own door, than accept this bribe, and would sooner die in a ditch than deign to receive his charity.

In answer to all this, Mr. Burke assured the honourable vice admiral he had totally mistaken his meaning; whenever he intended to act in the manner the vice admiral had conceived, first of all he would take care that both his bribes and his charity should be offered in private. He would neither propose the one in a popular assembly, nor administer the other in the public street. As little did he mean to give the House to understand, as the noble lord in the blue ribbon had chosen to interpret, that he thought Sir Hugh Palliser worthy of a reward. God knew, he had not an idea of either bribe or reward. How ridiculous must it appear in him to talk either of bribes or rewards; the House well knew he had it not in his power to bestow either! He had no such power at the time alluded to, any more than at present; the noble lord in the blue ribbon was perfectly aware of this; the noble lord knew where the power lay, and who it was that was best able to tempt by a bribe, or to gratify by a reward; else whence the majority that attended the noble lord when he divided upon the question started by his honourable

friend

friend who made the motion respecting Sir Hugh Palliser two years ago? The first idea, for the reasons he had stated, had never once entered his thoughts; the second, neither at the period of time that passed between the trial of his honourable, his worthy, his dear, and truly respectable friend, Admiral Keppel, and the trial of the honourable vice admiral who spoke last, had ever suggested itself to him, because he knew that a man who had been declared by a court-martial to have preferred a malicious and ill-founded accusation against his commander in chief, was not by any means to be regarded as the object of personal honour or of pecuniary reward, however the mortifying, the low, the abject state into which he had suffered his passions to plunge him, might give him some claim to private pity. The honourable vice admiral's situation had excited his compassion, the honourable vice admiral might reject his sympathy, but he could not prevent him from feeling that sentiment.

But to what, said he, are the counsels, debates, arguments, and reasonings of this House arrived, when a proposal of mitigation of punishment, when emotions of pity are construed into a proof of the innocence of a person, declared to be a false and malicious accuser, or into a bribe to induce him to acknowledge his guilt by silence under a sentence, coming from the first authority, and which no subsequent trial can possibly weaken the force of? The honourable vice admiral, he observed, had boasted of his having gone singly and alone into the middle of the French fleet, and of his having fought his way to the end of their line. No one subject that had ever in the whole course of his life challenged his notice, had been studied by him with so much attention and so much care, as the transactions of the 27th of July, because the honour and the life of the dearest friend he had on earth, made those transactions of the most serious importance to him; and whenever so exalted, so virtuous a man, a man for whom he felt the most ardent esteem, and the warmest friendship, was put into a situation of danger, and his life set upon the hazard of a trial, he felt himself irresistibly impelled to give him every possible countenance and support (though the support of conscious virtue was all that Admiral Keppel needed, and God knew, no man possessed conscious virtue in a higher degree) and to share personally with him in the perils of the conflict, and in the disgrace or honour of the event. He had not only been present at the trial, and listened to the minutest particular of the evidence with the most attentive ear, but he had read every syllable that had come

come from the press upon the subject, that bore any thing like the stamp of authority. He had perused the three trials, (the one published by the judge advocate, the other published by the short-hand writer employed for Admiral Keppel, and the third published by the vice admiral) over and over, in order to make himself compleatly master of the subject; he could therefore with the fullest confidence assert, that the charge brought against his noble and worthy friend was malicious and ill-fouuded. What was the charge in one part but a charge of negligence? A charge of negligence urged against Admiral Keppel, the most diligent of all men! But the honourable vice admiral has said, that he sailed singly and alone into the midst of the enemy's fleet, inferring from that, that he was neglected, and meant to be sacrificed. In order to prove to the House what had been before proved to the satisfaction of the court-martial, viz. that this assertion was altogether ill founded, Mr Burke said, he would read an extract or two from the trial, shewing, that so far from the Formidable being left alone in this perilous situation, as the honourable vice admiral would have the House imagine, the Formidable was followed so closely by some ships, and led on by others, that it was with the utmost difficulty mischief was prevented, either from the ships running foul of each other, or one or other of them receiving the fire of those that were nearest.

Mr. Burke here took up the printed copy of Admiral Keppel's trial, and read extracts from the evidence of Capt Laforey, who then commanded the Ocean, Sir Richard Bickerton, captain of the Terrible, Capt. Maitland, of the Elizabeth, and other officers, in order to shew that the Formidable was at one time so situated, that one ship was obliged to bear up, and shoot a-head of her, another to backen her mizen top-sails, to prevent coming on board her, and that another slackened her fire, because, had she continued it, she must necessarily have fired directly into her. Mr. Burke dwelt on the result of these extracts for some time, and said it thence was evident, that so far from the Formidable being left alone, she was jammed in among a crowd of ships, that were at hand to support her; but even if it were true, that the admiral had rushed like a lion singly and unsupported amidst the French fleet, and after he had passed them, had turned back again with the fury of a British bull dog, as his honourable friend—he begged pardon—the honourable officer (for when he was to choose, which he was to adhere to as his friend in future, the honourable commodore, who had thought proper

to go into new connections, connections with those who had nearly ruined their country, or the honourable admiral, the object of his esteem, his respect, and his admiration, he had no difficulty in making his election) but if the vice admiral's conduct had been such as the honourable commodore had described, what would be the true colour of it?—it would be brave, it would be daring; it might have entitled a young officer to great praise on the score of his courage, but would it have reflected any honour on the vice admiral as a commander, and as the leader of a division of a great fleet? Let the House consider the essential difference between the one character and the other. Let them consider that what would become the first, would greatly misbecome the second! That prudence and skill in a commander, are as essential as personal courage; to rush singly into battle with impetuous fury, without having taken measures to be properly sustained, neither shewed great skill nor great prudence! if the vice admiral therefore had been warranted to claim the sort of merit which he had assumed, and which he trusted he had proved did not belong to him, even then he must, from his own shewing, appear to the House to have acted in a manner not consistent with his duty as commander of the blue squadron.

Mr. Burke next went on to an examination of the sentence of the court-martial which tried Admiral Keppel, and endeavoured to prove that the court had not only acquitted the admiral unanimously, but that they had also unanimously given it as their opinion, that the charge was malicious and ill-founded. In order to do this, he read the sentence, and divided it logically into the premises and the conclusion. He said, the part of the sentence which stated that the court "having heard the evidence, and maturely and seriously considered the whole, are of opinion that the charge is malicious and ill-founded: it having appeared that the said admiral, so far from having, by misconduct and neglect of duty, on the days therein alluded to, lost opportunity of rendering essential service to the state, and thereby tarnished the honour of the British navy, behaved as became a judicious, a brave and experienced officer;" was undoubtedly the premises, or the ascertained facts; from the whole of which they deduced the consequence, or conclusion, expressed in these words: "The court do therefore unanimously and honourably acquit the said Admiral Augustus Keppel of the several articles contained in the charge against him, &c. &c." It was impossible, he contended, to separate the one from the other, because, in fact, such

ſuch a ſeparation would be to make downright nonſenſe of the whole, or to falſify the concluſion, which, beyond all diſpute, as the main part of the ſentence, could have no foundation but in the premiſes, and muſt be vitiated and impeached in propo1tion as the premiſes were vitiated and impeached. If the premiſes were general and co-extenſive to the accuſed and the accuſer, the epithets of force uſed in the concluſion muſt be equally general and equally co-extenſive.

Having put this argument with wonderful ingenuity, and reaſoned upon it with that ſplendour of ability which Mr. Burke is peculiarly gifted with, he indulged himſelf rather in a ridiculous than a ſerious refutation of the arguments that had been uſed, not only to prove that vice admiral Sir Hugh Palliſer was not declared to have preferred a malicious and ill-founded accuſation by the unanimous opinion of the court-martial which tried Admiral Keppel, but that Sir Hugh Palliſer was honourably acquitted by his own court-martial. The grounds of argument reſted on by Mr. Miller were the chief objects of Mr. Burke's irony. He ſaid, that gentleman had very ingeniouſly ſhewn the Houſe a new mode of argument; he had held that unanimity was liable to ſuſpicion; that a bare acquittal was at leaſt equal to an unanimous and honourable acquittal; but that an acquittal, accompanied with cenſure was much better than either a bare or an unanimous acquittal. The honourable gentleman, he obſerved, had ſtretched his argument within a ſhort, a very ſhort, limit of its extremity; he had only to have added, in order to have compleated his own climax, that a condemnation was beſt of all, and that on the ſame principles that had governed his other poſitions, viz. that "an acquittal by a majority, was better than a raſh and good-natured unanimity." If this new doctrine were ſubſcribed to, he for one was ready to admit that Sir Hugh Palliſer's acquittal was much more honourable than that of Admiral Keppel. But as the Houſe was, or at leaſt ought to be looked up to, as a ſolemn and auguſt aſſembly, and as the preſent ſubject of diſcuſſion would probably be regarded without doors, both now and hereafter, as a very ſerious parliamentary topic, a topic on the diſpoſal of which the future proſperity of the navy of England depended, he hoped the Houſe would not be led away from the true ſtate of the argument, by diſtinctions more remarkable for their ingenious abſurdity, than for their ſolidity, power of conviction, or alliance to fair reaſoning.

He next adverted to the sentence of Sir Hugh Palliser, and the comments that had been made upon it by the noble lord in the blue ribbon, and other gentlemen. He added the declaration of Admiral Keppel's court-martial, respecting the vice admiral, to the part of the sentence of that of Sir Hugh Palliser, (which pointed out the vice admiral's misconduct,) and said, the result of the two in the scale of censure, was that the vice admiral had been guilty of three distinct acts of misconduct; Admiral Keppel's court-martial had given it as their opinion, that he had preferred a false and malicious charge, and his own court-martial had charged him expressly with having been guilty of neglect of duty, in having omitted to inform the commander in chief of the state of the Formidable by the Fox frigate. The part of the sentence of the court-martial which tried Admiral Keppel, had been declared extrajudicial. That was not the question before the House. Had not the court or courts perfectly competent to pronounce such an opinion, declared the charge to be malicious and ill-founded? Could any man deny that the court had declared so? Would any man avow that the honour and veracity of the court was in any degree questionable? What then was the amount of the declaration, that the sentence of Admiral Keppel's court-martial, inasmuch as it censured vice admiral Sir Hugh Palliser, was extrajudicial and unwarrantable, but a libel? And here he wished the House to consider that libels derived their power of virulence, of venom, and of effect, in proportion to the degree of weight with which they were committed to circulation; a parliamentary libel must necessarily be the worst of all libels; that House therefore ought to pause at the threshold, to consider where they were going, and to consult their reason, whether it was consistent with their dignity, agreeable to truth, or wise in itself, to adopt the libel suggested against Admiral Keppel's court-martial, and give it their countenance.

He next went into a consideration of the arguments held by Commodore Johnstone. He particularly defended Admiral Keppel for having forgiven the vice admiral at first, and for having acted consistently with that forgiveness afterwards. He said, that Admiral Keppel could not do otherwise than sail a second time with the vice admiral of the blue, after he had once made up his mind to the forgiving and overlooking his misconduct on the 27th of July, a day which he was ready to acknowledge, was not a day of triumph to this country; but then the question naturally arose,—to whom was it ascribable,

cribable, that it had not been a day of triumph and a day of glory? The fault must lay either at the door of his dear and honourable friend, Admiral Keppel, or at the door of the vice admiral! Where were the people of England, the injured people of England, to look for evidence, and conviction of the fact, which of the two it was that was criminal? Where, but to the sentences of the two courts-martial! Sentences delivered on oath by men of high honour, unimpeachable integrity and undoubted knowledge of the subject. What said the court-martial that tried Admiral Keppel? Had they not acquitted him honourably and unanimously, and declared the charge malicious and ill-founded? Did the court-martial that tried the vice-admiral acquit him honourably and unanimously? No. They pronounced a very different judgment; they expressly condemned him, and declared him guilty of misconduct! The people of England therefore must see where the blame was due.

He ridiculed Commodore Johnston's assertion, that if his father, his brother, his son, or his dearest friend, was guilty of misconduct or neglect of duty, he'd punish him agreeable to the laws of the service; this, Mr. Burke said, was fine theory and good doctrine in speculation, it sounded well, but it signified nothing; every man's heart must tell him that it was not in human nature to carry such theory rigidly into practice. A thousand reasons would naturally suggest themselves, every one of them tending to the honour of Admiral Keppel, and tending to prove his noble mindedness and generosity in forgiving Sir Hugh Palliser's first neglect, and in sailing with him a second time: but if no other were to be found, than an expectation that such lenient treatment would operate on a generous mind, so as produce more care in future, and inspire an anxiousness to expiate past errors by present good conduct; that alone was a reason sufficiently strong to bear out the matter in question. With regard to the public illuminations that took place on the news of Admiral Keppel's acquittal reaching London, he knew as well as the honourable commodore, that the people did not rejoice because the trial proved that the 27th of July was a day of triumph to Great Britain. No—they rejoiced, because they saw that a gallant officer, a worthy and an honest man had escaped from the malice of his accuser! because so respectable, so excellent a public character, was acquitted with honour, and because generosity, sincerity, and virtue, had gained a victory over malice, treachery, and meanness! These, and these only, were the causes of the public illuminations and rejoicings

joiceings; and what honeſt Engliſhman was there, whoſe boſom would not expand with the higheſt ſatisfaction and the moſt exalted rapture on ſuch an occaſion?

'In treating of Admiral Keppel's court-martial, and commenting upon the evidence, Mr. Burke took occaſion to allude to Mr. Jackſon, the judge advocate, whom he deſcribed as an honeſt, polite, and reſpectable man, but ſaid, Mr. Jackſon and he were equally ſkilled in nautical affairs, having both ſtudied in the ſame ſchool, to which reaſon he aſcribed Mr. Jackſon's not having ſummoned the proper witneſſes on Sir Hugh Palliſer's trial. Mr. Burke ridiculed Lord North for the awkward and tedious manner, in which he had prepared and moved the amendment, creating a laugh, by charging the noble lord with being employed in knotting and ſplicing the motion, and in fiſhing the maſt of it, obſerving at the ſame time, that he need not have fired a gun to leeward, as a ſignal of diſtreſs, it being pretty obvious, that his mizen top-maſts were ſhot away. Mr. Burke finiſhed, with declaring, the motion had his hearty aſſent, as originally moved by his honourable friend.

Rt. hon. *T. Townſhend.* Right Honourable *T. Townſhend* inſiſted with great animation on the virtues of Admiral Keppel, which he contraſted with the conduct towards him of the governor of Greenwich-Hoſpital. He ſaid, Lord North and others impeached the court-martial. He was very ſevere on Commodore Johnſtone. He was not afraid to encounter his arguments, but he did dread his venomous praiſe. Being told that he was in the gallery, he ſaid, I am glad that he hears me, I will raiſe my voice, that he may hear me diſtinctly; I am glad that he knows my opinion of him, &c. &c.

Mr. *Wallace.* Mr. *Wallace*, Attorney-General, ſaid, that condemning Sir Hugh Palliſer of malice, was ſubverſive of all order and juſtice. He acknowledged that he had ſaid, at a time when he did not know all the truth, and when there was a popular rage againſt Sir Hugh Palliſer, if any miniſter was ſo imprudent as to employ him at that moment, he deſerved to be accuſed, or ſome ſuch thing he ſaid; and ſaid he, I do not ſay that the times are changed, or that popular fury abated; I do not ſay, that I know they are changed. If they were, to be ſure that would make a material difference. In the mean time I maintain my conſiſtency of conduct, by obſerving that the governorſhip of Greenwich-Hoſpital is not a very efficient office. It is not a military office. I aſk what naval

naval ſkill or courage are requiſite for the government of Greenwich-Hoſpital?

Sir *Fletcher Norton* knew that the manner in which he had conveyed the thanks of the Houſe would be a ſubject of obſervation, and perhaps of cenſure. But he would always prefer his duty to every conſideration whatever. He acknowledged a former connection with Sir Hugh Palliſer, nevertheleſs he thought it his duty, when he thanked Admiral Keppel, to uſe the ſtrong language of the court-martial, however diſpleaſing it might be to Sir Hugh or others. As to Sir Hugh's not being tried for malice, or heard upon that ſubject, was he not heard on it when he laid before the Houſe, and preſſed home by every argument, all the evidence by which he ſupported his charge? For if his evidence was lame, and even trifling, what other motive would be aſſigned for his conduct beſides malice? For malice is an act or diſpoſition of the mind, which cannot be proved by direct evidence, and can only be inferred from acts or expreſſions. Theſe were before the court-martial; and from theſe they inferred malicious intention. What, though their ſentence might be called extrajudicial? It was not properly any ſentence at all. It was an opinion; but an opinion formed in ſuch circumſtances as to be equivalent to a ſentence, and as operative on the minds of men. But why ſhould this ſentence be termed extrajudicial? The forms of Weſtminſter-hall were not neceſſary to the deciſions of juſtice. The uſage of any court conſtituted the law of that court; and the uſage of courts martial conſtituted the law of courts martial. Indeed this uſage neceſſarily aroſe out of the circumſtances of ſea-officers, who had no other way of trying and ſtigmatizing malicious accuſers. Sir Fletcher Norton.

Mr. *Mansfield* ſaid, that however the forms of juſtice might vary, juſtice itſelf was invariable; and it was an eſſential part of juſtice, that every man ſhould have an opportunity of anſwering to any charge that might be brought againſt him. The motives of accuſers might be various; they might be miſinformed; they might miſconceive things; they might be credulous; though a charge might not be ſupported, it did not follow that it originated in malice; the perſon who brings ſuch a charge may ſhew that malice could not be his motive, by ſhewing what his real views and motives were. Mr. Mansfield.

Mr. *Dunning* ſaid, that Sir Hugh Palliſer and his friends were obliged to Mr. Fox for his motion; for after that Mr. Dunning.

ſhould

should be negatived, as he presumed it would be, ministers would dare to do what they would not dare to do otherwise. It had been asserted, that it was allowed on all hands, that Sir Hugh Palliser had been condemned of malice without being heard. That was not the case. That position had been denied in as strong terms as the decorum due from one gentleman to another would permit. He was heard on the charge of malice, when he was encreasing his malice by every new effort to bring Admiral Keppel to condemnation and death. The officers that tried Admiral Keppel were competent to judge of Sir Hugh Palliser's motives, therefore their opinion was of equal weight whether judicial or extrajudicial. That it was extrajudicial he did not think; for the form of different courts were different; and though it had been argued, that it was essential to all justice that no man should be condemned without being arraigned, a formal accusation was not necessary; and, with regard to Sir Hugh Palliser's case, he had in fact been his own accuser; for if he could not prove a charge, nor make good what he undertook, which he must have known whether he would be able to do or not, he would be actuated only by malignant passions.

He took notice of the very honourable acquittal of Admiral Keppel. Men in opposition, perhaps to the views of policy and self-interest, under the lively impressions of truth and justice, had made a very noble sacrifice to the cause of justice. Mr. Dunning was very pleasant upon the attorney-general. He knew, he said, and had foretold that the ingenuity of the learned gentleman had provided some hole for escape, when he had talked of impeaching the minister who should dare to employ Sir Hugh Palliser; and now it appeared that he had a very wide gate for getting out of the scrape. For unless ministry had employed Sir Hugh Palliser, at the very moment he made that declaration, he could plead that times and circumstances had altered.—"*Tempora mutantur, & nos mutamur in illis.*"

Lord *Frederick Campbell.* Lord *Frederick Campbell* said he should be on the side of justice, and should vote for the amendment, because he never would accede to the doctrine, that any man in this country in any court, either a court-martial or a court of law, could be deemed guilty of any specific crime without a trial, or being heard in his own defence; he therefore should vote for the amendment.

At

At a quarter after two o'clock in the morning, the queſtion on the amendment was put, and the Houſe divided; for the amendment 214, againſt it 149. The main queſtion was agreed to. Mr. Fox moved to inſert the following after the words *heard in his defence*:

"That the Judge Advocate having by the direction of the ſaid court, declared that it did not occur to the recollection of any of the members, that it had been the uſage of courts martial to admit any thing on the part of the accuſer, after declaring that he had gone through all the witneſſes he ſhould produce in ſupport of the charge, and that he had agreed that the papers offered by the accuſer, could not be admitted; and the ſaid court having, in another part of the ſaid trial, declared, that they had continued of the ſame opinion, and had agreed that the whole evidence, not only on the part of the charge, but of the defence, had been cloſed, nothing farther by way of addreſs from either, could be read."

This amendment was over-ruled, by the motion for the order of the day, to which the Houſe agreed.

February 2.

No debate. Adjourned to the 6th.

February 6.

No debate.

February 7.

Heard counſel on the Coventry election.

February 8.

Mr. *Jenkinſon*, Secretary at War, informed the Houſe that there were ſome alterations made in the mutiny act, two of which being material, he thought it right to ſtate what they were, as no alterations ought to be made in an act of ſo much importance, without the concurrence of the Houſe. The firſt alteration was the total omiſſion of the word "Ireland" in the act, an omiſſion, which the learned gentleman appointed to draw up and prepare the bill had judged proper, becauſe that the Iriſh legiſlature had laſt year introduced clauſes in their mutiny act, tending to govern and regulate the management of the quartering ſoldiers, and other matters relative to military diſcipline, when at a diſtance from the capital; the continuing to extend the Britiſh mutiny act to Ireland was therefore no longer neceſſary. The other material alteration was, the introduction of a clauſe delegating an authority to hold a general court-martial to the firſt in command at any place at a diſtance from the commander in chief

in India. Heretofore the Secretary said, if a court-martial was necessary at Bombay, or at any of the company's settlements on the coast of Coromandel, it could not be held there, but the parties must be sent to Bengal, where the commander in chief of his Majesty's forces in India was stationed.

Sir Philip Jennings Clerke. Sir *Philip Jennings Clerke* said, he hoped, that in delegating the power talked of by the honourable gentleman, care had been taken that officers were to be tried by courts martial, composed of officers of higher, and not of inferior rank to themselves.

Sir George Yonge. Sir *George Yonge* said, that what the Secretary at War had dropped concerning the omission of the word "Ireland," in the bill, appeared to him to be of very serious importance, and required very mature consideration before it was agreed to. If it was intended that this country should give up all claim to legislation over Ireland, he thought it would be better to declare such an intention, and do it at once. He could never approve of the idea of giving it up, bit by bit, by incidental acts of Parliament. He therefore wished the House would not hastily settle the question, but go into it, examine it with the attention due to its importance, and make a solemn decision upon the subject.

Gen. Smith. General *Smith* agreed with the Secretary at War in the propriety of delegating the power of holding courts martial in India, in the manner that he had stated, and said such a regulation had been long and greatly wanted in that country.

The bill was read a first time.

The House next heard evidence respecting the Coventry election.

February 9.

No debate. Adjourned to the 12th.

February 12.

Gen. Smith. General *Smith*. Mr. Speaker, it is not my intention to make any apology to this House for calling the attention of it to the petitions now on your table*. The subject is too important to require it, but I am very free to declare, that on this occasion, no personal motives whatsoever influence my mind; I disclaim every idea of personality; I am impelled by motives of justice and humanity, to give such a representation of facts, as I trust will make their impression upon the members of this House, and from thence will appear the absolute necessity of coming to some speedy determination relative to the very distracted state of our government in Bengal and its subordinate provinces.

* See the petitions at the end of the debate.

Before

Before, Sir, I enter into the present state of the jurisdiction of the supreme court of legislature, it may be necessary to describe what was the state of jurisdiction in Bengal, before the supreme court was established.

The mayor's court of Calcutta decided all causes of *meum and tuum*, it consisted of a mayor and nine aldermen, appointed by the governor and council, from the inhabitants of Calcutta, they were appointed for life, unless for misbehaviour, &c. and then they might be removed, but any alderman so removed had his appeal to the king in council. I believe the decisions of that court, were in general very upright. The very few appeals from it serve to confirm me in my opinion The chief justice, on the opening of the supreme court of judicature, paid many high compliments to the decisions of the mayor's court, then to be abolished. The sessions of Oyer and Terminer were held by the governor and council as the king's justices, I believe I may safely say, that their conduct as judges was without reproach, they decided upon all occasions to the best of their judgment, and justice was ever tempered with mercy.

In the internal provinces, courts of Adawlet and Phousderry were established when the civil and criminal jurisdiction was exercised betwixt native and native, subject to the controul of the provincial councils, and from whose decisions, if any person thought himself injured, he might appeal to the governor and council of Fort William, who by the charter were invested with the supreme authority.

This was the state of the respective jurisdictions in Bengal, when the supreme court of judicature, instituted by virtue of an act of parliament of the 13th year of his present Majesty was opened in Calcutta. It is impossible, Sir, to speak of the establishment of that court, and pass over in silence the first remarkable judgment; I mean the case of the Rajah Nundcomar. I do not mean to enter fully into the merits of this extraordinary case, I have my own decided opinion upon it, but Rajah Nundcomar was indicted for forgery, a forgery committed many years before the establishment of the supreme court of judicature, he was found guilty, condemned and executed Let us compare the conduct of the judges of the supreme court with that of the governor and council sitting as justices, in the year 1762.

Radachurn Metre, a Gentoo inhabitant of Calcutta, was tried for a forgery, found guilty and condemned, the Hindoo inhabitants of Calcutta presented a strong petition to the

governor and council, stating, that by their laws, forgery was not a crime to be punished with death, the terrors which every inhabitant of that country would be under, if the laws of England, which were contrary to their laws, customs, and religion, should operate so as to affect their lives, and therefore most earnestly requested the governor and council to suspend the execution of the sentence, and to recommend Radachum Metre to his Majesty's royal clemency. The governor and council wisely complied with the prayer of the petition, and thereby gave his Majesty an opportunity of exercising the brightest attribute of his crown, by extending his royal mercy, and a pardon was granted to Radachum Metre.

Now if there ever was any one case more peculiarly fitting to be submitted to his Majesty's decision than another, I do conceive it to be the case of the Rajah Nundcomar; a man who had been the prime minister of that country, a man of very high rank, with respect to his particular cast, condemned for a crime committed so many years before the establishment of the supreme court, and upon an act, that it has been said, does not extend to the East Indies, add to this, that the principal evidence against him was a man of notorious bad character. If to all these circumstances, we keep in our remembrance, that it was the first remarkable sentence since the establishment of the supreme court of judicature, I do conceive it would have been highly just, as well as politic, to have given his Majesty an occasion of exercising his judgment, and in that case I have not a doubt, but the Rajah Nundcomar, would have experienced the same royal clemency as was extended to Radachum Metre. The execution of Nundcomar will, I hope, point out the absolute necessity of granting an authority to the council of state, to respite any sentence of death passed by the supreme court, until his Majesty's pleasure shall be known.

Sir, the petitions on the table, complain of an extension of the jurisdiction of the supreme court of legislature, beyond what they are impowered to exercise by the act or by the charter. I have read the charter with attention, and I have diligently perused the records of the company. I am convinced, that it never was the intention of Parliament, when the act was passed, to subject the native inhabitants of Bengal, &c. to the British laws. Peruse the act, and see how very cautiously it is worded. The supreme court are absolutely restrained from exercising jurisdiction over the natives, unless

they each ſhall ſign an agreement to ſubmit to the juriſdiction of the court. *Britiſh ſubjects and others, directly or indirectly, employed in the ſervice of the company, or of any of our ſubjects*, are the only objects of the juriſdiction of the ſupreme court. From the judges conſtruction of *who are employed directly or indirectly*, has ariſen all theſe diſputes which have been carried to ſuch a length. that the governor general and council, have thought it neceſſary to interfere, and place a limit to the juriſdiction of the court, and then to appeal to parliament by petition for an act of indemnity.

To convince this Houſe of the intolerable hardſhips which the inhabitants of Bengal now labour under, from the aſſumed juriſdiction of the court, I ſhall beg leave to ſtate ſome very ſtriking inſtances. The firſt happened in the province of Dacca. Dacca is a province remarkable for the flatneſs of its ſurface, and when the periodical rains ſet in, it was not uncommon, (for the torrents which poured down with great rapidity from the mountains to the eaſtward) to overflow the banks, and ſometimes to force a new channel for the river. It ſo happened, that this circumſtance occured not long ſince. As ſoon as the rainy ſeaſon ſubſided, the Rajah through whoſe poſſeſſions the river had formerly flowed, cultivated the old bed, and by proper means prepared it for agriculture. At the ſame time, another Rajah ſent his men to plough and ſow part of the ſame ſpot. When the time of harveſt came, they both aſſembled an armed force to collect the crop; ſome people were killed on both ſides and the harveſt was reaped by him who firſt began to cultivate. A complaint was made to the provincial council of Dacca. The cauſe was in hearing. That Rajah who had been the aggreſſor, finding that he could not ſupport his pretenſions in the country court, applied to the ſupreme court at Calcutta: and upon a ſimple affidavit, warrants were granted againſt two of the principal officers of that Rajah who reaped the crop, to apprehend them as murderers. They were apprehended and brought to Calcutta very ſoon after the aſſizes; the counſel for theſe priſoners offered bail; no bail was accepted; they were loaded with ſuch heavy irons, that the counſel repreſented there were apprehenſions of a mortification. After five months confinement, the aſſizes were held. The proſecutors were not prepared for trial. Bail was again offered, but not admitted. After twelve months impriſonment, they were brought to trial; the counſel for the priſoners, upon the croſs examination of the very firſt evidence called on the part of the proſecution, clearly proved, that theſe two unhappy men were not within the juriſdiction

risdiction of the court; no other evidence was examined and they were of course discharged. I mention these circumstances with more confidence, because that very evidence, and the learned counsel who defended the prisoners, are at this time members of this House I shall only add on this subject, that on application to the supreme court for redress and reparation, the judge declared he could give no redress nor reparation, because the prosecutor was not within the jurisdiction of the court. The Rajah, who defended the cause of his servants, declared that the defence cost him near 3000l.

The next instance which I shall state to the House, is what relates to the Patna cause, but as the publication of all those proceedings is intended, I shall state it briefly.

Shah Abas Beg, a Persian, who had formerly served in our armes with some reputation, dies at Patna; he leaves a considerable property; his widow and his nephew claim the inheritance; suits are preferred to the provincial council of Patna, who issue an order to the Cazies and Mufties, (who are the expounders of the Mahomedan law, and receive a monthly stipend as a salary of office,) to examine into the allegations and to report according to their laws and usages. The Cazies and Mufties make their report, that by their law, the nephew as heir, is entitled to three fourths, and the widow to one fourth of the effects of the deceased. The provincial council make a decree in consequence, and order it to be carried into execution. The widow was not satisfied with the decision. The Mufties report to the council, that she throws impediments to the execution of the decree; the provincial council enforce their order, and after some few days the widow appoints a vaqueel or agent to act for her, and the decree is executed. The widow, not pleased with the decision of the provincial council, applied to the supreme court at Calcutta, not by way of appeal, for appeals could only be brought before the governor general and council, but I believe, obtained writs of trespass against the Mahomedan doctors of the law, and the nephew. It being a bailable offence, the governor general and council, thinking their authority invaded, ordered the provincial council of Patna to give bail for the appearance of the Cazies and Mufties, being the Mahomedan law officers of government, and the provincial council entered into recognizances for 36000l. At length the cause was tried by the supreme court of judicature. Behadar Beg, the nephew, pleaded not subject to the jurisdiction; his plea was over-ruled, because *he was, or had been a farmer of land under*

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the company, or security to a farmer. The Mahomedan doctors of law stated, that they acted under the appointment of the president and council, that it was usual and customary, to decide causes betwixt Mahomedans by the Mussulman law, that they thought themselves legally authorized to give opinions, and to obey the Perwannah or orders of the provincial council of Patna. They also stated the powers of the present governor general and council, given by act of Parliament, and that the governor general and council, continued to intrust the administration of justice in the Bahar province to the provincial council, and to suffer the Mahomedan doctors to exercise the powers before described. The judges of the supreme court decide, that the proceedings of the Cazies and Mufties were illegal, because they acted by the authority of a council, which council possessed only a delegated authority, and which they could not possibly delegate to others, quoting it as an established maxim in the law, that *delegatus non potest delegare*: upon this principle, judgment was pronounced in favour of the widow against Behadar Beg, the Mufties, and Cazies, and damages decreed to the amount of 30000l. In consequence of this judgment, the provincial council of Patna gave up the parties. They were sent down prisoners to Calcutta, a distance of 400 miles. The Cawzie sunk under the weight of his misfortunes, and died on the road. The others were not so happy. They survived their journey, only to be sent to the common gaol, sentenced to perpetual imprisonment, for in such light I must regard it, since from the excessive damages decreed, it is impossible they should be ever liberated, unless by the interposition with the British legislature. This *Sir, is another of the blessed effects of the transported laws of freedom.*

I come now, Sir, to the third instance, and which has been the immediate cause of the petition to this House, from the governor general and council of Bengal. The Rajah of Cossijurah is the most considerable and most antient zemindar of the destrict of Midenpoor. Cossinaut Baboo, his relation, and a considerable merchant of Calcutta, had been for many years the Rajah's security for the payment of his revenues. Some disputes arise between the Rajah and his security, on the adjustment of their accounts. Cossinaut makes a ballance due to him of fifteen thousand pounds, and applies to the governor general and council for their assistance to recover his debt. They send this account to the Rajah and desire an explanation, who produces an account

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on his part, which makes Cossinaut his debtor. Cossinaut, not satisfied with the proceedings of the governor general and council, and deeming the process of the supreme court of judicature, a more efficacious mode of obtaining his balance, obtains a writ against the Rajah. The governor and council general were alarmed at this proceeding of the supreme court, because they conceived it to be an extension of jurisdiction not granted by the charter. They took the advice of their advocate general, and for the reasons assigned in their petition, determined to interpose that authority with which they were invested by parliament. The Rajah of Cossijurah, terrified at the idea of being subjected to the jurisdiction of a court, whose laws and language were to him totally unknown, orders his vaqueel or agent to adopt the necessary measures. He, the vaqueel, applied to an attorney, with an intention to plead, that the Rajah was not subject to the jurisdiction of the court. The vaqueel was also ordered to learn from the governor general and council, in what manner the Rajah was to conduct himself on this extraordinary dilemma. The governor general and council positively direct him not to admit of any writ being served on him, and to declare that he was not amenable to the jurisdiction of the court. A sheriff's officer with some armed men are sent to the Rajah's fortress to execute the writ. The Rajah summonses his dependants, and the sheriff's officer is informed, that no writ from the supreme court can be executed there, the Rajah not being subject to the jurisdiction of the court. The bailiff takes post in a gateway, and sends intelligence to the sheriff of Calcutta, of his inability to execute the writ. A reinforcement of sixteen European seamen, and sixty natives, all armed with muskets, pistols, swords, &c. is sent to the assistance of the bailiff. As soon as the governor general and council were informed of such a force being sent to execute the writ of the supreme court on the Rajah of Cossijurah, they sent their orders to Lieutenant-Colonel Auchmuty, who commanded a military station in that neighbourhood, to detach two companies of seapoys to the assistance of the Rajah, and to take prisoners all persons who were employed with or under the orders of the sheriff's officer. But the reinforcement to the sheriff's officer had enabled him to execute his writ of sequestration, on the lands and property of the Rajah, to the amount of thirty thousand pounds. I shall not at present enlarge upon the mode and manner in which this writ was executed; I shall only observe in the very words of the petition;

tition: "That in the execution of the writ, the apartments allotted to the female part of the Rajah's family, which are ever held sacred in this country, were forcibly entered, his temple broke open and polluted, and the image of his worship thrust into a basket, and deposited with mixed lumber, under he seal of the court. Such acts are accounted instances of the grossest violation and sacrilege, according to the principles and persuasions of the inhabitants of these provinces, and have been never known to have been authorised with impunity by the most despotic of their Mahomedan rulers." And to this I must add their comment: "It is to be lamented that such a reproach should have fallen on the professors of the mild and benevolent dictates of the Christian dispensation, *not as the effects of a wanton abuse of authority; but as the necessary and unavoidable operation of a foreign law, in the barbarous attempt to force it on a conquered people.*" Soon after the writ of sequestration had been executed, the detachment from Colonel Auchmuty's camp arrived under the command of Lieut. Bunford, who takes prisoners without bloodshed, the whole party that supported the sheriff's officer. An account is sent to the governor general and council, of the execution of their orders: the whole party are sent prisoners to Calcutta, and on their arrival there are set at liberty. The supreme court were incensed at this resistance to their authority, but as the governor general and council were placed by law above their jurisdiction, they appear resolved to shew the utmost extent of their displeasure against all those who obeyed the orders of the council. They commit the attorney of the company, Mr. Naylor, to gaol, and twenty interrogatories are made to him whilst in prison, to disclose the secrets of his clients, the governor general and council, on behalf the India Company; interrogatories, that are equal to the spirit of any inquisition in Europe.

A writ is issued against Lieut. Bunford, who commanded the detachment sent to the relief of the Rajah of Cossijurah. the governor and council general send their positive orders to Lieutenant Colonel Auchmuty not to suffer any writ to be executed in his camp upon himself or any other person whatsoever, for the execution of their orders relative to the Rajah of Cossijurah. Auchmuty forms a line of centinels round his camp, with orders that no stranger whatsoever is to be admitted. An officer from the supreme court arrives with the warrant; he is stopped at the advanced post; he sends his name, and delivers a copy of that clause of the

charter, which commands all officers, civil and military, to be aiding, aſſiſting, and obedient in all things to the ſupreme court, as they will anſwer the contrary at their peril. The officer of the ſupreme court was ordered *to depart from the camp*, with this information, "that it was the orders of the governor-general and council, not to admit of any writ being executed for any act done by thoſe who obeyed their orders, relative to the Rajah of Coſſijurah.

From this detail of facts, the Houſe will perceive the anarchy which now prevails in Bengal. What an alarming ſituation! The governor-general and council find themſelves reduced to the indiſpenſible neceſſity of actually employing military force to reſtrain the juriſdiction aſſumed by the judges of the ſupreme court, the foundation of whoſe authority is a Britiſh act of Parliament. If theſe difficulties have ariſen from different conſtructions of the act itſelf, it is the ſtrongeſt argument that I can urge for explaining and amending that act of Parliament. The very idea of enforcing the laws of Great Britain upon the natives of Indoſtan, has, in my mind, ſomething ſo incompatible with common ſenſe, with juſtice and with good policy, that I cannot ſuffer myſelf to reaſon upon the ſubject. But, Sir, the diſagreeable ſituation of upwards of five hundred officers of the army in Bengal, demand our immediate attention; and I ſhould think myſelf very much wanting in my duty to thoſe gallant men who formerly ſerved under me, if I did not embrace the moſt early occaſion to relieve them from their embarraſſment. As officers are now circumſtanced, judging from what has already happened, no officer in Bengal can know the exact line of his duty. Contradictory orders are ſent to him by the court of judicature, and by the governor-general and council. He is commanded by a clauſe in the charter to be aiding, aſſiſting, and obedient in all things to the ſupreme court, as he will anſwer it at his peril. He is ordered by the governor-general and council, from whom he receives his commiſſion, and who are appointed by Parliament to govern the provinces, not to permit the writs of the ſupreme court to be executed. Diſobedience to the one may be conſtrued into a capital crime; diſobedience to the other, may ſubject the officer to the ſevereſt ſentence of a general court-martial. After this deſcription, I conceive, it will be unneceſſary for me to uſe any argument to enforce the propriety of entering immediately into the conſideration of theſe matters. But, Sir, I cannot

cannot help ſaying, that I look with a very jealous eye upon any event whatſoever that tends, even in the moſt remote degree, to weaken the principle of obedience in the officers of the army in India, to thoſe from whom they receive their commiſſions: that army is inſtituted upon very different principles, than the armies of the crown. The members of this Houſe in general are, perhaps, not well informed of the difference of the eſtabliſhments. It is a very delicate ſubject for me to ſpeak upon; but in the ſervice of the India company there does not exiſt, there cannot exiſt, the ſame powerful incentives which operate in the King's ſervice: it has been conſtrued as a compact between two parties for the performance of certain duties. The officers in that ſervice have in general exceedingly well performed their part of the compact; but at a diſtance ſo remote from the parent ſtate, and where the ties to obedience are not indiſſoluble, I lay it down as an invariable maxim, that the poſitive authority of thoſe who grant commiſſions muſt not for a moment admit of any doubt whatſoever.

I have ſhewn ſome deſire to bring on the conſideration of the petitions without delay, and I will ſtate to the Houſe my reaſons: a fleet is now on the point of ſailing for India; I would wiſh that the firſt veſſel which ſhall ſail from England, after the receipt of thoſe petitions, ſhall carry out the pleaſing tidings that this Houſe will take into their moſt ſerious conſideration, not only the prayer of thoſe petitions, but the ſtate of Bengal, Bahar, and Oriſſa, as far as relates to the extenſion of the juriſdiction of the ſupreme court. Whatever may be the ſtate of thoſe countries, I am convinced, that when the governor-general and council, and the inhabitants in general, ſhall know for a certainty, that at length Parliament has commenced a ſerious enquiry into their grievances, whether real or imaginary, I ſay, I am convinced, all contention will be inſtantly ſuſpended. The judges will relax from their attempts to extend their juriſdiction, in expectation of ſuch a clear, deciſive line being drawn as ſhall mark out its future limits beyond all controverſy; and, in ſhort, that all orders of men will wait with juſt deference and reſpect to the deciſion of that power which alone can give them relief. I therefore humbly move you, Sir, "That the petitions be referred to a committee.—That the committee be a ſelect one, and that it ſhould meet in a chamber above ſtairs.—That the committee conſiſt of fifteen members to be choſen by ballot."

Mr. *Boughton Rouſe.* I riſe, Sir, to ſecond the motion juſt made by my honourable friend: and I feel a peculiar ſa- *Mr Boughton Rouſe.*

tisfaction in treading the same path with him upon this matter, which is of such vast importance to the public interest; an occasion so competent to his abilities, and so worthy of his humanity. Actuated by the same principles, I have shared in his anxiety to bring it to a speedy and complete discussion: confident, that when the wisdom of Parliament is once seriously employed, we shall all see its importance, and all join heartily our endeavours to apply an adequate remedy to the several grievances now stated to exist in one of our most valuable possessions. As to myself, I should readily acquiesce in any mode of proceeding, which could substantially conduce to this salutary purpose. But, as the field we must enter upon is extremely wide; and the considerations to be taken in before any decisive plan can be adopted, are numerous and intricate I am clearly of opinion, that no method will be so efficacious for bringing every necessary light before the eye of Parliament, as that proposed by my honourable friend, a select committee of the House of Commons. By this channel of inquiry, records may be consulted, verbal testimony procured, and facts arranged, which will bring the whole business in a proper train for the House to proceed to a deliberate decision. My object is not to accuse individuals, but to afford a remedy to public evil.

Experience dearly bought, Sir, has instructed this nation, and this honourable House, not to be neglectful of the petitions and remonstrances of our fellow subjects, situated in distant parts of our widely extended dominions. Had we disregarded as factious, or frivolous, or ill-grounded, the petitions and remonstrances now lying upon our table, and which form the subject of this day's deliberation, the House of Commons would certainly have departed from its dignity and its justice. But I rejoice at this moment, to see a happier principle prevailing; and in the assurance it gives me, that we shall now proceed in this important business with moderation and steadiness, until we have established our Indian government upon such a footing as may be honourable to the nation, and productive of the great advantages which it is in the power of our discretion to censure.

It is scarcely necessary for me to enlarge upon the vast importance of the subject now before us. That truth must strike forcibly upon every gentleman's mind, when he reflects, that we are about to decide upon the good government of a country, 150,000 square miles in extent; inhabited by various races and tribes of men, who are diversified in their religion, usages, manners, and ways of thinking, nations, who were enlightened by science and legislation very long before our an-

ceſtors had emerged from barbariſm. And every generous feeling of our nature will be excited, when we reflect, that the happineſs of ten millions of our fellow creatures now lies at ſtake before us. The native inhabitants of Bengal and Bahar complain of the intolerable violation of their cuſtoms and religious obſervances, occaſioned by the juriſdiction of Engliſh law courts lately inſtituted amongſt them; ſuch as was never made by former conquerors, and pray for the continuance of their ancient laws. Hand in hand with theſe complaints you have received remonſtrances from a very large and reſpectable body of Britiſh ſubjects, reſiding in thoſe countries: to whom we owe juſtice as our fellow ſubjects, and whoſe happineſs and content, give me leave to ſay, Sir, deſerves our ſerious attention, ſince it is upon them that we muſt in a great meaſure rely, for the good management, as well as the ſecurity, of that diſtant territory. Laſtly, you have a petition from your governor general and council, acting under the ſanction of parliamentary appointment; which ſtates to you, that they have been driven to the neceſſity of employing military force to reſtrain the alarming extenſion of power attempted by his Majeſty's judges; and praying therefore from this Houſe an indemnity for the violent meaſures, which they conceived the exigency required for the ſecurity of that dominion, intruſted to their government.

All theſe diſtractions have ariſen from an act paſſed in the 13th of his preſent Majeſty. Whatever may have been the conſequences, I am ready to acknowledge, that the regulations eſtabliſhed by that act, were formed with the beſt intentions poſſible. Had but the judicial and executive powers of that country co-operated with temper and moderation in defining their ſeveral juriſdictions; and had violence been avoided where the law was dubious: much good might have reſulted; and his Majeſty's court might have been leſs obnoxious than it now is, to the Eaſt India Company, to thoſe whom the legiſlature has intruſted with the adminiſtration, or, to thoſe who live under its protection. The object of the act was good, but the ſyſtem it eſtabliſhed was imperfect. I would beg leave to bring back to the recollection of the Houſe, the general temper of things, under which that bill was paſſed. The Houſe had been tired with very prolix inquiries made before two committees, who collected a great load of materials, and I muſt ſay, to their honour, of uſeful well-digeſted knowledge; and all parties were heartily glad to be rid of the ſubject, by adopting almoſt any meaſures they imagined might tend to prevent the abuſes which had been complained of. At

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the ſame time the minds of men were heated by the repreſentation of writers, who ſuggeſted falſehoods or exaggerated truths, to ſerve the purpoſes of faction and private revenge: a clamour prevailed againſt every man connected with the Eaſt Indies, and it was thought, that no coercion could be too rigorous or ſevere. Far be it from me to ſay, Sir, that there were not abuſes in India! I venerate truth too ſincerely to inſinuate it. I wiſh there were none now!—But I have always thought, Sir, people at that time were too haſty to believe that men born of reſpectable families, and educated like themſelves, ſhould diſcard every principle of morality the inſtant they felt the Aſiatic ſun. Becauſe they ſaw ſome oppreſſive actions clearly ſtated, they were ready to think every one oppreſſive, which a competent acquaintance with that country and its cuſtoms would have ſhewn to be, perhaps, innocent in itſelf, or, perhaps, a neceſſary act of government. They did not recollect with ſufficient candour, that conqueſt is the offspring of violence; that ſudden conqueſt muſt always occaſion ſome oppreſſion, ſome injuſtice, ſome rapacity, and rapid acquiſition of wealth to its conductors, that victories are gained in a moment, but ſettled government muſt be the reſult of time and progreſſive knowledge. In ſhort, Sir, after ſubmitting theſe ideas, which I do with the utmoſt deference, to the better wiſdom of the Houſe, I will not ſcruple to ſay, that in the mode of applying a reform, Parliament was precipitate, and individuals were intemperate.

It was the expectation of many good men, that an Engliſh court of law with ſuperior powers would completely reſcue the native inhabitants from oppreſſion, and excite the gratitude of that people for ſo great and acceptable a preſent.

Now let us look to the reſult, Sir. I fear the picture which Bengal now exhibits is preciſely ſuch as a few diſcerning men delineated before ever the judges left Great Britain. We ſee in that country a ſcene of univerſal diſcord: families torn aſunder by means of the encouragement which the practice of our Engliſh courts muſt unavoidably afford to a litigious race, as the inhabitants of Bengal are to a very high degree. The actions and dealings of men between one another, formerly done under thoſe ideas of good faith and honeſty, which for ages had regulated their conduct, were now to be tried by a new teſt of rectitude. Law, which ſhould be the eſſence of juſtice, was to be diſtinguiſhed as one mode of deciding upon the rights of men; equity, as another: a diſtinction which no linguiſt could interpret in any language of that country; and men were to ſee their lives and properties

adjudged by retrospective laws. One of the first measures of that court is already pretty well known in England—I mean the hanging of Raja Nundcomar; a man of the first rank in the country, formerly prime minister to the sovereign prince of Bengal before the English conquered it, and a bramin, who inherited reverence by his birth amongst the natives; for an act committed many years before the court was instituted, and which the laws of the country do not punish with death. It is superfluous for me to say in this enlightened assembly, that forgery was not made capital even in England, advanced as we are in the arts and refinements of commerce, but by an act of the late king, rendered expedient by the extension of paper credit, and other circumstances of that period. I have heard it said by able men, that this statute of forgery could not extend to India. I presume not to have a judgment upon so nice a point: but if it be so, then where does the death of that man lie? However, as to Nundcomar himself, Sir, he was a bad man; I knew him personally; his destruction may not have been a loss to the community: but the principle once established, see where the practice leads. Let the House figure to their minds, that numbers of others must have been capitally indicted for crimes which the Mahomedan law would only punish with stripes. The jurisdiction being once asserted, where can it stop? It is not then the fault of the judges; the fault is in the institution: English judges are bound by their oaths to judge by the laws of England; an English jury must find a verdict according to the customs of England, and sentence must pass. Thus, Sir,

Animus meminisse horret, luctuque refugit,

many may have suffered death for actions they could not know to be liable to capital punishment: but, not being men conspicuous in rank, like Nundcomar, they have fallen unnoticed into eternity.

Then, Sir, mark the farther progress of this business. English bailiffs scattered like locusts over that fruitful country; inhabitants dragged down to a distance of 500 miles from their friends and families; their customs disregarded, their ancient distinctions, civil and religious, annihilated; the prince reduced to the level of his slaves; their houses disgraced; the sacred apartments of their women, whom even to behold is disgraceful to them, invaded by ruffians, armed with the warrants of the supreme court; their temples polluted; and their images, which had enjoyed the veneration of a timid superstitious people for a long series of generations, seized and desecrated by the touch of impure hands. I am

bold to say, Sir, these outrages did not disgrace the government of their impetuous Mahomedan conquerors. but such are the blessings you have given to those numerous nations in your boasted English courts and laws. Who could imagine that such should be the effects, as my honourable friend has forcibly expressed it, of the transported laws of freedom?

It was naturally to have been expected, Sir, that the first object of that court should have been to conciliate the affections of the natives, by preserving with scrupulous regard their usages and inoffensive prejudices. Their rigour should have been exercised upon our own subjects who infringed them, or who any way oppressed the people. But has the manner in which the court proceeded tended to conciliate their affections? Has it tended to place our benevolent and gracious Sovereign in an amiable point of view to them? Has it tended to convince them, that the object which his Majesty's ministers, and which the nation laboured at, was to guard them from violence, and their customs from infringement? Indeed, Sir, I am not inclined to be forward in criminating any man; nor do I intend it: the judges, I doubt not, have acted upon principle, and as they thought the duty of their offices required of them. But these are matters of too much magnitude to be trifled with. The inhabitants are discontented, the country is distracted. I conjure the House, while it is yet in their power, to apply a speedy and efficacious remedy.

Let us now observe a little, Sir, how the power of the governor general and council, and the provincial courts of justice, have been effected by this new system. The court thought proper to annul the act of the governor general and council in the dismission of their own secretary. They issued writs of *habeas corpus* for the release of persons confined on account of arrears of rent, by any provincial councils or collectors acting under the orders of government, who were subjected to suits for damages of false imprisonment. A single instance, Sir, will illustrate my assertion. A person, who was a farmer of the public revenue, and at the same time treasurer to a district which paid an annual revenue of full 300 000l. sterling, was committed to custody by the provincial chief and council, who held the administration of the district under your governor general and council, to enforce payment of about 2000l. sterling, arrears of rent, and about 4000l. deficiency of cash placed in his hands. One of the judges granted him a *habeas corpus*, at the same time threatening the members of the council with attachments, if they should refuse to deliver up their prisoner. The company's attorney pleaded

pleaded to the return of the writ of *habeas corpus*, that the person had been confined by authority of the provincial chief and council, for arrears of rent, and deficiency of cash, as public treasurer. Upon an occasion, in which the government relied on the support of the judicial power, I believe, Sir, you will agree with me, that they passed a singular decision. The language of the bench, composed of the two junior justices, in their determination, was this: "We know not what your provincial chief and council are: *You might as well have stated, that he was confined by the king of the fairies.*" I would not introduce such ludicrous language to the House upon so serious an occasion: but I recite *verbatim* from a written judgment, which I read, to shew the House in what degree the dignity and needful authority of that government, acting under the sanction of all the powers of this legislature, was sustained. Thus made an object of taunt and ridicule, was it wonderful, that their acts became inefficacious, or that their powers should be inadequate to the great trust reposed in them, for securing the public revenue, or administering justice amongst the inhabitants?

Next, Sir, all Europeans or natives employed in provincial courts, held by the company's authority as Dewan under the emperor for the civil administration of justice, were brought under the jurisdiction of the supreme court. Their competency was never admitted, although recognized by the 14th clause of the 13th of the King; their judicial orders were abrogated, and the members prosecuted as individuals for acts they had performed under the weight and sanction of magistracy.

Has the administration of justice in criminal matters escaped any better, which is conducted under the Subadar (or his deputy, the Naib-subah) that *man of straw*, as he was stiled by one of the judges, since dead, which I am sure good policy requires we should uphold? We have seen a case, in which a magistrate refused to exercise the functions of his office, in taking cognizance of an atrocious murder, because the English court had interfered with and degraded his office. Sir, we have seen the mansion of the first Mahomedan magistrate of one province broke open by a licentious rabble, and his brother shot by a sheriff's officer. We have seen in another, the whole body of Mahomedan doctors, as has been fully related to you by the honourable general, brought prisoners from a distance of 400 miles, and all, except one of them, who sunk in vexation and fatigue upon the journey, committed to the common English gaol of Calcutta, where they still remain.

'One assertion of authority was for some time suspended: but that we are informed has now been made; and it is a comprehensive grasp, indeed! All persons renting land or revenue of the company, as dewan of those provinces, are declared within the jurisdiction of the court: which thus transfers all revenue causes from the exchequer courts of the government to an English court of law; and, unlike every other country upon earth, gives the state no preference above a private creditor. Nay, more; processes have issued against the zemindars, the hereditary nobility and landholders of the country; and it is imagined, that men, whose ancestors have led forth armies from their own lands, have exercised a civil and criminal jurisdiction, and who possess a tract of ten or twelve thousand square miles, will quietly submit to a destruction of all the honours and dignities, which are vested in them by the constitution of the Mogul empire. The devotion of the inhabitants to their zemindars, many of whom are in truth more properly to be called tributary princes than proprietors of land, is such, that a general discontent amongst this class of men might excite revolt, or at least might deprive us of the regular payment of that revenue, which is the only support of our power.

To complete this scene of anarchy, Sir, the government instituted by the whole legislative authority of Great Britain, have thought they were reduced to the fatal extremity of employing a military force in opposition to the powers exercised illegally, as they conceived, and to the detriment of the state, by the court of judicature. The judges, on their part, have resolved to pursue vigorous measures for enforcing the authority they assumed. Whether there was, or was not, such exigent necessity, must be left for Parliament to decide. I mean only to urge to you, Sir, that we must not procrastinate either in enquiry or decision. Civil discord has taken place; the powers of government are at war with one another; and it would not much surprize me to learn by the next advices, either that the supreme court has inflicted death upon the members of your government; or that your governor general and council have shipped off his Majesty's judges for Great Britain.

It may not be foreign from our purpose, Sir, to say a few words upon the manner in which other nations have governed their distant conquests. If we turn our eyes to Spanish America, we shall find, that every attempt suggested by the fanaticism or tyranny of the Spaniards, to introduce their own courts and laws, and to establish their power over the devoted

nations of Mexico and Peru, by sending out reformers unacquainted with, or disregardful of, the manners of the country, added to the disgust and misery of the inhabitants, and ended in revolts and massacres. The Jesuits in Paraguay took a wiser course: they conciliated the natives, and established a substantial power amongst them, by building a humane system of government upon the groundwork of their immemorial usages. But no nation can better be made the object of our present observations than ancient Rome, both from the long duration of her government, and the prodigious extent of her conquests. Rome, if I mistake not, observed this system. In all subjection of territory contiguous to her own, she gave her own laws, if the people wished to receive them, or she allured them by immunities and honourable distinctions. Thus she assimilated all the petty states of Italy to her laws and manners, till the whole peninsula became one nation. But in her distant conquests, she pursued a very different policy. In these she was satisfied to hold the supreme government, to possess the revenues and the military power, leaving the inhabitants to conduct their internal police by their own native magistrates and laws. Nor did that wise nation insult the religion or prejudices of the vanquished. I think the first instance of communicating the Roman laws to the distant provinces of the empire, happened under the reign of one of those monsters who disgraced the name of emperor, Caracalla, about a thousand years after the building of the city. In latter times, indeed, Justinian, that legislator so much praised by his posterity for his compilations of jurisprudence, committed the same blunder which we are now committing in our country. He thought of the Roman laws, as many good and well-meaning men may think of English laws, that they are the best in the world; that laws good in the west, must necessarily be good in the east: and in that belief, he established this confused system, which had been formed at different periods of time, and had grown up under the different progressive situations of the Roman state in Italy; he established it, I say, as the universal rule of right and wrong throughout the provinces of the eastern empire, for which it was no way adapted.

To be sure, Sir, this would be a new doctrine amongst legislators. However, as abstract truths do not strike with equal power or like effect upon every mind, I would be glad, with those who may think differently from myself, to argue upon another ground, and to ask them, what is the object of public expediency in presenting our native Indian subjects with En-

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glish courts and laws? Is it on the supposition that they have no laws of their own? Sir, they have laws, and voluminous comments upon them: and, proud as we may now be of our glorious constitution and laws—justly proud indeed we may be—those nations had written laws before our ancestors became known in the annals of history; and those laws, assuredly very dissimilar from ours, but suitable to their climate and disposition, and blended in all the intercourses and concerns of life, have been handed down to them from immemorial usage. As the contingency of events has rendered these people subject to our dominion, we should strive to enjoy the benefits of it, with the smallest possible regret to them. Then let us ask, what it is we want from them? I presume we want to enjoy their trade; we want to maintain possession of their country; we want to remain masters of its revenue; we want the fidelity and affection of their people to supply our armies with recruits, and strengthen us against the efforts of our rival powers in Europe. All these you will have, Sir, if we only allow them to go on in the track of their forefathers, with a free and undiminished preservation of all their ancient practices and distinctions. If our English courts and laws, instead of being a source of new blessings and happiness to them, turn out in fact to be but a Pandora's box, for Heaven's sake, Sir, let us take our presents back. I am sure we can wish no other than to make them as happy as they can be under the dominion of a foreign power. Give them, then, their own laws and magistrates, if that will contribute to it. Such, we see, has been the policy of other states, and Machiavel, in the refined spirit of his political doctrines, assigns a very material reason for doing so——that, living under the immediate authority of their own countrymen, they submit the more easily to a sovereign at a distance from them: and whether the judgments they pronounce be just or unjust, the odium does not fall upon the supreme power, nor do the people continually feel the reproach of their dependency. As to your English laws and processes, let those feel the weight of them who derive benefit from them; who, being born and educated under them, and qualified to study them in their native language, may see through the technical fictions and complicated proceedings of our courts, to discern their intrinsic excellence and justice. No man, who wishes the good of his country, can desire to see Europeans at that distance from the fountain of power, placed above the laws, or independent of controul. Let it be the province of English laws to restrain Englishmen from oppres-

sion: but not to shackle your government in the exercise of the necessary powers confided to it by the legislature; nor to harrass with perpetual vexation the timid natives. In the first point of view, those natives will admire and venerate them. But, if we persist in the present idea of extending them, I am confident the terms used by the governor general, and council will be found true, as they are emphatic, and this nation will deservedly incur the reproach of "a barbarous attempt to force a foreign law upon a conquered people."

Moreover, if it were expedient to introduce them, the difficulty might deter us. We have about five thousand British in Bengal. The natives have been formerly estimated by Lord Clive at fifteen millions—I think ten millions is a computation nearer the truth. Now, is it agreeable to common sense, that five thousand men should force a system upon ten millions, which they are disinclined to receive? or that the native troops should assist in committing such a violence upon the feelings of their fellow-countrymen and relations? I cannot bring myself to imagine, Sir, that the voice of assumed authority will ever carry substantial power, where the minds of the people are not overawed by fear, or from other causes contented to receive and submit to it. I think it has been held as a maxim, that it is only to an unpolished people that a legislator can give what laws he pleases; and if we look to a great nation, which now draws the attention of Europe, we shall see the considerations which the Empress of Russia enjoins in the instructions to her commissioners for forming a new code of laws. "There are various things," says that wise princess, "which rule mankind: religion, climate, laws, maxims received from government, example of past ages, manners, and customs; and the legislature ought to adapt its laws to the general sense of the nation."

There is one other point I must beg leave to touch upon; but I do it with the utmost diffidence: I feel it is tender ground——I mean the equalizing principle which this judicature tends to establish betwixt native and European. Formerly we have seen a few hundreds of Europeans carry rapid conquest through an intimidated country. A native was led to look up to an Englishman with awe and acknowledged superiority. Our power has been more imaginary than real, to hold that vast territory in subjection with such a disparity of numbers. But, Sir, if they see our government degraded in the public eye; and every Englishman of any rank reduced to a level with the lowest native: I fear they will soon find out that we are but men like themselves, or very little better.

better. Our dignity will fall, our power will dwindle, some accident of the moment will produce revolt, and then, Sir—it will not remain a question, *how* we shall hold that country, but whether we shall hold it *at all*.

I say, Sir, I feel this is tender ground. I ask the excuse of the House if I am in an error. I throw out the idea for speculation; but at the same time, I must confess, it is an idea that alarms me.

Now, after all this discussion, I shall, perhaps, be told, that I am pulling down an edifice, without having previously formed a plan to erect another. Sir, I did think that it would be more respectful to the House, to solicit their serious attention to the subject, and propose a full discussion of it before a committee, and I believe my honourable friend concurs in that sentiment, rather than to presume upon offering any system to their notice. I have wished to convince them, that enquiry and reform are indispensibly necessary; and I venture to flatter myself, that with the local experience of some, and the general knowledge of others, and particularly calling in the aid of gentlemen of the profession, whose minds are more usually turned to subjects of legislation, we may be able to devise some eligible plan for the good administration of our Asiatic territory.

For my own part, Sir, I shall most chearfully contribute with my poor assistance, by furnishing every light and information I may possess, or by explaining any terms of the country languages, which might throw obscurity upon the records to be consulted. I am ready to act as a member of a committee, if one should be appointed; or I will willingly attend upon them if I am not a member. This I can safely say, Sir, I have no private views to gratify; no other desire, than to promote the public interest, and the happiness of individuals. Again, Sir, I disclaim personality. I consider this as the cause of humanity and national honour. My great object and most sincere wish is to introduce amongst that industrious and submissive people, a system of legislation, which may be congruous to their feelings and dispositions; to conciliate them to the supremacy of our distant country; to render that fruitful territory a permanent appendage of the British empire; and finally, to do justice to its inhabitants, to my nation, and to my fellow-subjects.

Lord North. Lord *North* agreed, that the petitions well deserved the serious attention of the House: he likewise allowed, that if the facts were true that the judicial and political powers were in arms against each other in India, the House should take measures

sures to put an end to so dangerous a contest as soon as possible. At the same time he thought it highly incumbent on the House to consider, that the enquiry they were about to enter into, was of a most delicate nature. The conduct of the judges of the supreme court of judicature, and the constitution of the court, were so intimately connected, that it was hardly possible to separate them entirely. The one, as it were, run into the other; and both were so mixed and blended, that it would be a very difficult matter to pronounce upon the constitution of the court, without in some measure adverting to the conduct of the judges. It behoved the House therefore to steer as cautiously as possible between these two objects; to ascertain facts tending to prove that the jurisdiction itself ought either to be abolished entirely, put under new restrictions, or better defined than it already was, might be both expedient and necessary; but gentlemen would see that it would be unjust in the extreme to go to a crimination, much more to a condemnation of the judges, who, from the nature of the case, could not already have been heard as to the facts that might come out in the course of the enquiry, nor could they be heard now. With regard to the act of parliament which he had the honour to bring in some few years since, it certainly was not, at the time it was under the consideration of that House, either his idea nor that of the House, that the court of judicature should become the source of misery, oppression, or injustice; much less was it meant to extend the British laws in their unintelligible state (for so they might appear to the natives of a country in which they never had been promulgated) throughout that vast continent; neither was it designed that the supreme court should swallow up all other jurisdiction, or take away the power of those courts to which the residents had been for years accustomed to resort, and which had been proved from long experience fully competent to a substantial administration of justice in those cases wherein their interference had usually been desired. The sole view of the House was to give a court that would hold out equal justice to the native and the European; a court much wanted at the time, and in the constitution of which the House had been to a man unanimous, on the idea that it was politic, humane and just, that a court so constituted should exist. He concluded with assenting to the motion.

Sir *Richard Sutton* said that the petitions criminated the judges, and that they were sent over without the judges consent, Sir *Richard Sutton*.

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sent, which of itself had a very suspicious appearance, and ought to challenge the jealousy of the House, as to the fairness of the statement of the facts alledged.

Mr. Wraxall. Mr. *Wraxall* rose to express his high approbation of the motion introduced by General Smith. He said, that whatsoever compelled the government of this country to turn their attention to India, merited, in his apprehension, national praise and gratitude. He said, that to whatever part of the empire he directed his view, excepting India, only scenes of calamity, distress, and civil commotion presented themselves under a thousand various and accumulating forms. But that in India, victory and glory and commerce and wealth and all the resources of a great nation were visible. He contrasted the splendour of our arms in that part of the world, with our losses and disgraces in America. But, he said, that under this flattering and dazzling exterior, lurked a thousand hidden seeds of political disease and death. He expatiated on the critical and dangerous situation of our affairs in Bengal, Bahar and Orissa. He expressed his disapprobation of the principles on which the courts of judicature were originally erected in that country. He said, that the most fatal consequences would inconteftibly result from them if not timely suppressed, or at least restricted and limited in their powers.

He then remarked the folly and absurdity of an island situted as England is, in the 50th degree of northern latitude and on the verge of the Atlantic ocean, whose inhabitants (the descendants of Saxons, Danes and Normans), had scarcely yet in a course of ages been able to refine their barbarous jurisprudence, and adapt it to their own country; on such a people, in the insolence of conquest or the ignorance of misinformation, transplanting their courts of justice and acts of Parliament, to a country situated under the tropic and the equator, at the distance of five thousand miles; to a country totally dissimilar in religion, in laws, in customs and in feelings of every nature, and which had been so from the most remote antiquity.

Mr. Wraxall said, that this conduct had no precedent in the annals of Rome, or of any nation of antiquity, renowned for policy and wisdom. Rome, he said, had opened her generous arms to all the conquered nations; she had adopted with a masculine and conciliating policy, all the customs, religious or civil, of the vanquished provinces; she respected even their prejudices; she consequently was beloved and

and revered on the banks of the Tagus and the Euphrates, as much as on the banks of the Arno or the Tyber.

He ſaid that every conſequence of popular violence and inſurrection was to be dreaded at this moment in Bengal. He obſerved, that the ſupreme council were at this time armed againſt the courts of juſtice. He left the Houſe to judge what muſt be the conſequence. He declared, that unleſs ſome ſpeedy and effectual remedy was applied, that country would become a ſcene of maſſacre. The Sicilian veſpers would be renewed on the banks of the Ganges, at Patna, at Banares, and at Calcutta.

Mr. Wraxall then took a larger field, and adverted to the preſent ſituation of India in general. He ſaid, that it was not only in Bengal that we were menaced with convulſions and inſurrections; Madraſs, he aſſerted, called aloud for ſome immediate reform. The avowed factions of the Nabob and the Rajah of Tanjore diſtracted and divided that preſidency. Bombay, which, after a century of ſloth and inactivity, had effected ſome important conqueſts, was menaced, he ſaid, by the Mahrattas who overhung the iſland, and might ſeverely revenge the loſſes they had lately ſuſtained on that ſide of India. Beſides theſe particular evils he obſerved, that other dangers menaced India in general. The vaſt extent of coaſt from Cape Comorin to the Jagrenaut Pagodas was inadequately guarded by the military eſtabliſhment of Madraſs, which could not poſſibly, he ſaid, defend a coaſt of a thouſand miles in length, if ever it ſhould be attacked. The Mahrattas, he ſaid, were very powerful and much to be dreaded. Hyder Ally, who had driven our troops before him in 1769, and compelled us to ſign an ignominious peace at the gates of Madraſs; Hyder Ally was the friend of France, and he was ſtill terrible in arms, though declined in years. The French, he obſerved, had a large force in the iſland of Mauritius. The Dutch were ſtrong in Ceylon and ſtronger in Java and at Batavia. The Spaniards occupied the Phillipine Iſlands, and could annoy all the trade of Canton and to China; we are beſet with dangers and environed by enemies.

Mr. Wraxall concluded with repeating his approbation of the motion: he thought it the firſt and moſt neceſſary ſtep towards a general reform of that country. He called on government to exert themſelves, and to turn their attention to India, as to a country on which the future glories, grandeur and permanent greatneſs of England muſt ultimately depend.

Mr. Burke. Mr. *Burke*, in a short speech, contended that it would be impossible not to criminate the judges, if criminating facts should arise in the course of the enquiry.

The motion was agreed to.

Copies of the Petitions presented to the House.

A petition of John Touchet and John Irving, agents for the British subjects residing in the provinces of Bengal, Bahar, and Orissa, and their several dependencies, whose names are subscribed to the petition hereinafter set forth, was presented to the House, and read; setting forth, that the petitioners have received the copy of a petition, certified, by a notary publick in Calutta, at Fort William in Bengal, to be a true copy of an original petition to this honourable House, signed by six hundred and forty-eight of the British subjects residing in the provinces of Bengal, Bahar, and Orissa, and their several dependencies, which copy, so authenticated as aforesaid, is in the words following:

To the honourable the Commons of Great Britain in Parliament assembled.

The humble petition of the British subjects residing in the provinces of Bengal, Bahar, and Orissa, and their several dependencies,

Sheweth,

That your petitioners, labouring under the weight of many and great grievances, know not where to apply for relief with so much propriety and confidence as to the Commons of Great Britain in Parliament assembled, the great guardians of the liberties and properties of British subjects.

That your petitioners humbly conceive, there are certain rights inherent in Englishmen, and confirmed by the most sacred acts of the legislature, which no power on earth can legally deprive them of, where the laws of Great Britain are in force.

That your petitioners observed, with the deepest concern and affliction, that, at the passing of the act of the 13th of George the Third, intituled, "An act for establishing certain regulations for the better management of the affairs of the East India company, as well in India, as in Europe," and previous to it, very erroneous reports had been propagated, and injurious ideas entertained, of the principles and practices of the British subjects residing within these provinces; from which it was inferred, that they required more rigorous restraints and coertions than have been usually imposed upon Englishmen.

That your petitioners, knowing such reports, when applied to the community, to be void of all foundation in truth, did flatter themselves, that time, better information, and their own loyal and obedient conduct, would have convinced their enemies, and the whole English nation, of the injustice and cruelty of these suppositions, and have excited the known candour of the British Parliament to frame, in their wisdom, such ordinances and regulations as were better adapted to the real circumstances and situation of your petitioners.

That your petitioners have, for some years, vainly flattered themselves with this expectation; and now find, to their unspeakable sorrow, that

that their dutiful submission appears only to have encouraged the justices of the supreme court to proceed step by step in reducing them to the most grievous distress, till your petitioners have in fact been put out of the law by a declaration from the bench on a solemn occasion, that the act of Parliament above recited was not intended for the security and protection of the whole, but for the immediate protection of a part of the inhabitants of these provinces.

That your petitioners humbly conceive, that the trial by jury, in all cases where it can be granted, is one of those inherent, unalienable, and indefeasible rights, of which neither time nor circumstance can deprive a British subject living under British laws; yet the justices of the supreme court of judicature in Bengal have, by the actual or assumed powers of a charter granted under an act of Parliament, refused to allow your petitioners the benefit of this sacred bulwark of their freedom, except in criminal cases, thereby, as your petitioners apprehend, acting in direct contradiction to the late act of Parliament, to the fundamental law of the land, and the great charter of British liberties: this grievance, so insupportable, must come home to the breast of every Englishman, and none will feel it more sensibly than the enlightened members of a British senate.

With all due submission to the will of their most gracious Sovereign, and with the most loyal and sincere affection for his person, family, and government, your petitioners humbly apprehend, that neither letters patent nor any other grant can be valid, if made contrary to the known law of the land, yet the said justices, acting under letters patent, assume a power not only to fine and imprison your petitioners, but to decide on all actions for damages for personal wrongs, both determining the fact, and assessing the damages to any amount, at their own discretion, thereby taking to themselves an uncontrouled dominion over the persons and property of your petitioners, to the great fear and imminent danger of all British subjects.

Your petitioners humbly conceive, that in all subject states, but more especially in one so remote from the seat of empire, where the disproportion between the governing power and those governed is so great as to make the present safety and future permanency of the dominion itself depend entirely upon the precarious tie of ideal superiority, that all possible tenderness and caution should be used, to prevent that opinion being weakened or destroyed, or the authority or reputation of the government lessened, lest the multitude should be encouraged to put themselves on a level with their rulers, and lose that idea of their superior power by which alone they are held in subjection; but, to the great mortification and alarm of your petitioners, they see the respect and veneration which the natives have heretofore manifested for the government daily decreasing, owing, as your petitioners verily believe, to the extension of the authority of the court acting independent of the government to persons and cases where they conceive it never was the intention of the legislature to allow them to act, a spirit of contempt for its authority and for Europeans in general heretofore unknown, diffusing itself among the natives, which, if not restrained in due time, must terminate in disaffection and resistance, and ultimately

occasion the destruction of the British subjects residing in these provinces, and the loss of these valuable dominions to the crown of Great Britain for ever.

That your petitioners, entertaining the most perfect conviction of the truth of these observations, suggested by the resistance shewn to the authority of government in various parts of these provinces, and by the late daring tumult, heretofore unprecedented, which happened in open day in the capital, and at the entrance of the seat of judicature itself, offer them with submission to your most serious consideration.

Your petitioners have been informed, and believe, that *ex post facto* and retrospective laws are contrary to natural justice, incompatible with the laws of England, and irreconcileable to the feelings of a British Parliament, and that they are held in abhorrence by the nation; that, if these principles are admitted in England, and acknowledged to be productive of the most fatal consequences, they must apply still more forcibly to a subjected country, situated at the distance of half the globe, where the manners, customs, laws, and prejudices of the people, differ so widely from those of the governing nation; your petitioners appeal to the humanity of the British Parliament, to reflect on the innumerable hardships which must ensue, and the universal confusion which must be occasioned, as well to personal rights as to public and private property, by giving to the voluminous and intricate laws of England a boundless retrospective power in the midst of Asia, and by an application of those laws, made for the freest and most enlightened people upon earth, the principle of whose constitution is founded in virtue and liberty, to transactions with the natives of India, who have, from time immemorial, lived under a despotic government, established on fear and restraint: and your petitioners most earnestly call upon you to consider what must be the fears, what must be the terrors, of individuals, to find their titles to property, their transactions and engagements with natives previous to the establishment of the court of judicature, tried by the standard of English law, and by men educated under its forms, and unavoidably imbibing its prejudices, when no such laws could be known to or practised by natives or Europeans then residing in the country, and at a time too when few or no persons of legal knowledge were in the country to assist or advise them.

Your petitioners humbly conceive, that no tyranny can be more dreadful in its operations, or more fatal in its consequences, than that a court, established by law, with all the authority of one of the first courts in England, should also possess undefined powers and jurisdiction, of which the judges of it are the sole interpreters, and under no controul but at the immense distance of the mother country; yet such is the situation of your petitioners, they are placed within the reach of this two-edged weapon, surrounded with the toils and pitfalls of the law in a country where perjury is almost a profession, unknowing where they may rest in safety, for the judges of this court can at pleasure determine on the denomination of a civil injury, the degree of its criminality, by what statutes it shall be tried, what penalties shall be inflicted, and who are, and who are not, amenable to the jurisdiction

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of the court. The judges have declared, that they are, by the charter of justice, empowered to moderate the laws of England by the customs of this country; but their information respecting these customs can only be obtained from such witnesses as appear before them, and it is in the breasts of the judges to admit or reject what evidence they please. This power has filled your petitioners with the utmost terror and dismay; if it had remained with a body of jurors, acquainted with the language of the natives, informed as to their customs, and bound by oath to decide with truth and justice, there would have existed no foundation for either.

Your petitioners perceived, with heart-felt satisfaction, that the said act had provided some barrier against oppression, by authorizing an appeal from the decrees of the supreme court to his Majesty in council, which his Majesty has also been most graciously pleased to recognize in his charter of justice; but the hopes of relief, raised upon this foundation, vanished from before us, when your petitioners found that the judges of the court had not only taken upon themselves to make and alter the rules of it, but that they could receive or refuse what evidence they thought proper, and that the appeal could only be heard under these rules and upon the evidence recorded during the trial, removed at such a vast distance from the tribunal of justice, before an unjust or illegal sentence could be reversed, the sufferer might fall a victim to penury, or perish by imprisonment: but, from an appeal under such circumstances, what redress can your petitioners obtain?

Your petitioners entertain all becoming respect for the authority of the charter of justice, and the utmost reverence for their Sovereign, whose sanction it has received: yet they cannot but observe that, by the powers delegated in this charter, men are constituted the judges of their own acts, which appears to your petitioners highly improper and inconsistent: for the judges of the supreme court in Calcutta are impowered to sit also as a court of chancery, and in this capacity to revise, correct, rescind, or confirm, decisions passed by themselves whilst acting as judges in a court of law; and by another part of their institution, they possess the power, and they alone, of staying execution in criminal cases, till his Majesty's pleasure be known. There is a principle in human nature which inevitably impresses a bias upon the mind in favour of its own decisions, and experience has decided that reason and philosophy are too weak to restrain it; but in all well-regulated communities, when the consequences of any principle are foreseen, or found to be fatal, the wisdom of the legislature interposes, to check its operation. Your petitioners have the most perfect conviction, that the possible evils of this power did not occur to their most merciful Sovereign when his approbation was conferred to the charter of justice, and that they require only to be pointed out to ensure redress.

Your petitioners, with all deference, conceive that there must be some fundamental error in that institution, which requires a more than ordinary degree of temper, ability, and integrity, to carry its purposes into execution; and they do not hesitate to declare, that to administer the powers appertaining to the institution of the supreme court, without

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out extensive public detriment and partial acts of private severity and injustice (if it be possible at all) requires more equity and moderation, discernment and enlightened abilities, than they can hope to find in any men: to what extent the judges of his Majesty's court may possess these qualities, your petitioners do not pretend to decide, and still less to assert that they do not possess them at all, but they complain of the jurisdiction of the uncontrouled and unlimited powers with which the court is vested, and with the execution of which no men are to be trusted.

Your petitioners can bear distress like men, but they must also feel like men, and speak these feelings like Englishmen; if the language of complaint is warm, let it be attributed to the dread of future injuries; from a keen sensibility of what is past, your petitioners claim a trial by Jury as their birth-right, and they solicit to be relieved from the other great grievances they labour under. To a British House of Commons they appeal, with the firmest reliance on its wisdom, justice, and humanity, and in appealing to such a tribunal, they perceive their apprehensions yield to the most flattering hopes of a speedy redress.

Your petitioners, therefore, humbly pray, that you will be pleased to take into consideration the following requests:

To grant a trial by jury in all cases where it is by law established in England:

To limit the retrospective powers of the court to the time of its establishment in Bengal:

To define, beyond the power of discretional distinction, the persons who are, and who are not, amenable to the jurisdiction of the court:

To declare what statutes shall, and what statutes shall not, be in force in Bengal:

To direct and circumscribe the power of the court, in the admission and rejection of evidence, so as that all rejected evidence may accompany the appeal, by way of affidavit, or otherwise.

To appoint distinct and separate judges for the law and equity sides of the court:

To restore the ancient and constitutional power of hearing appeals in the first instance to the supreme authority in this government, formerly vested in the president and council, and now vested in the governor general, and council:

To lodge a power of staying executions in criminal cases (till his Majesty's pleasure be known) in the governor general, and council:

And your petitioners shall ever pray, &c.

That the petitioners are ready to produce, at the bar of this honourable House, the copy of the said petition, so authenticated as aforesaid, transmitted to them from Calcutta; and humbly pray the House to take the contents of the same into their consideration, and to grant such relief in the premises as to the House shall seem fit.

Ordered to lie upon the table.

A petition of Warren Hastings, esquire, governor general, and of Philip Francis and Edward Wheeler, esquires, counsellors for the government of the presidency of Fort William in Bengal, was presented to the House, and read; setting forth, that, by an act of the thirteenth of

of his present Majesty, intituled, "An act for establishing certain regulations for the better management of the affairs of the united East India company, as well in India as in Europe," the whole civil and military government of the presidency of Fort William in Bengal, and the ordering, management, and government, of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bahar, and Orissa, are vested in the governor general and council of the said presidency, in like manner, to all intents and purposes whatsoever, as the same were at the time of passing the act, or at any time before might have been exercised by the president and council, or select committee, in the said kingdoms; and that, by the said act, his Majesty was empowered to erect and constitute a supreme court of judicature at Fort William aforesaid, with full powers and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction over all British subjects resident in the said kingdoms or provinces, under the protection of the said united East India company, and to hear and determine all complaints against any of his Majesty's subjects, for any crimes, misdemeanors, or oppressions committed, or to be committed, and also to entertain, hear, and determine, any suit, action, or complaint, against any person who shall at the time when such debt, or cause of action or complaint, shall have arisen, have been employed by, or shall then have been directly or indirectly in the service of, the said united East India company, or of any of his Majesty's subjects, and against any inhabitant of the said kingdoms, for a debt arising on any contract, or agreement, in writing, with any of his Majesty's subjects, where the cause of action shall exceed the sum of five hundred current rupees, and where the said inhabitant shall have agreed in the said contract, that, in case of dispute, the matter shall be heard and determined in the supreme court of judicature: that it appears to your petitioners, that the above recitals do clearly explain and define the powers and jurisdictions severally appertaining to the said governor general and council, and to the supreme court of judicature aforesaid; that is to say, that the supreme court of judicature is competent to exercise every kind of jurisdiction over all British subjects resident in the said provinces, and also over all persons, whether natives of these provinces, or others resident in the same, who shall, at the time when the cause of action instituted, or complaint made against them, shall have arisen, have been employed by, or shall then have been directly or indirectly in the service of the said United East India company, or of any of his Majesty's subjects, or who shall have voluntarily made themselves subject to the authority of the said supreme court of judicature, in the case of contracts expressing such a subjection; and that the said supreme court of judicature hath no power or jurisdiction whatever over persons not answering to these descriptions; and that the governor general and council are competent to exercise every function of government, and every right of jurisdiction, not vested in the supreme court of judicature as aforesaid, over all persons, natives or inhabit[illegible] of these provinces, who are either subject to the civil or [illegible]vernment of this presidency, or of the territorial ac[illegible] venues of these kingdoms, it being contrary to the nat[illegible]

proceeding, and for the general loss which such an example was likely to produce in the public revenue of these provinces, and knowing that the said Raja Soondernarain was not subject to the jurisdiction of the court, being neither a British subject, nor at any time heretofore ever employed by, or in the service of, the united East India company, nor of any British subject, nor specially subjected to the supreme court in the suit which had been commenced against him by any written contract or agreement to that end, did accordingly cause notice to be given to the said Rajah that he was not subject to the jurisdiction of the supreme court of judicature, nor bound to obey its process; and on the 30th of November following your petitioners received information that the writ of capias had been returned unexecuted, and that a writ had since been ordered to sequester the lands and effects of the said Raja, and to compel his appearance, and that, to enforce the execution of this last writ, the sheriff had dispatched a considerable force to Cossijura, consisting of Peons, Sepoys, and European sailors, all compleatly armed, and instructed to use force for the execution of the process, and even to fire upon any person who should obstruct it. Hitherto the powers of government, vested in your petitioners, had never been employed in relation to the supreme court, but in aid of its authority; they now found themselves reduced to the painful necessity of opposing it, to assert their own civil and military rights, to guard the property of the united East India company, and eventually that of the British nation, in these provinces, from impending danger, and to yield their protection to the country and people which were placed, under the government of your petitioners, from the controul of a foreign law, and the terrors of a new and usurped dominion. Impelled by these considerations, your petitioners ordered a military force to apprehend the sheriff's officers who had been employed to execute the writ of sequestration, with all their followers. This was effected accordingly; and the whole body, consisting of eighty-six men, armed and arrayed, were made prisoners, and brought to the presidency, where the first purpose of your petitioners having been thus accomplished, they were, by an order of your petitioners, immediately released. It appeared that in the execution of the writ the apartments allotted to the female part of the Raja's family, which are ever held sacred in this country, were forcibly entered, his temple broke open and polluted, and the image of his worship thrust into a basket, and deposited with mixed lumber, under the seal of the court. Such acts are accounted instances of the grossest violation and sacrilege, according to the principles and persuasions of the inhabitants of these provinces, and have been never known to have been authorized with impunity by the most despotic of their Mahometan rulers. It is to be lamented that such a reproach should have fallen on the professors of the mild and benevolent dictates of the Christian dispensation; not as the effects of a wanton abuse of authority, but as the necessary and unavoidable operation of a foreign law, in the barbarous attempt to force it on a conquered people. The judges of the court, enraged at this resistance of their authority, have declared their resolution of inflicting exemplary punishment on all persons concerned or suspected of having been concerned in it. With an

undistinguishing

undistinguishing vengeance they have ordered attachments to issue against the military officer, whose duty it became to execute the orders of your petitioners, on Mr. Naylor the company's attorney, and on Mr. Swainston, a servant of the united company, whose only offence appears to have been an unfortuate curiosity, which led him to be a spectator of what the court hath termed a rescue; your petitioners have granted to their military officer the protection of the troops with which he is stationed against any attempts which may be made to arrest him. The other two named persons have been thrown into the common jail, and Mr. Naylor required to answer to interrogatories, such as your petitioners believe to be most repugnant to the wise and humane spirit of the English law, and never before practised but in the courts of inquisition, being filled with suggestions of criminal accusations against persons unnamed, and exacting the violation of his public fidelity, by revealing the confidential instructions of his employers and clients, and the most sacred ties of society, by divulging the secrets of private conversation on general undefined and unapplied questions. Cossinaut Bobboo, the plaintiff in the cause against the Raja Soondernarain, by the advice, as your petitioners are well informed, of the court, has lately instituted a suit against your petitioners, and your petitioners have been severally served with summonses to appear and answer to the same, but have refused to appear, both because they conceive themselves not to be answerable in their own persons for acts done by them as governor general and council, and because the plaint which was filed against them, is founded on their resistance to the unlawful acts of the judges of the supreme court of judicature. Such hath been the progress of this unhappy division and such is the present state of it. What the consequences may prove your petitioners cannot foresee; but are morally certain, that nothing but a determined and unshaken perseverance on their part in the line which they have marked out can save these provinces and the interests of the united East India Company, and of the British nation, which are inseparably connected with them, from the danger of utter ruin; and that your petitioners are informed, that many other suits or actions have been commenced in the supreme court against other Zemindars of these provinces; such, for example, as the Rajas of Tirhoot, Deenagepoor, and Beerbhoom, men of high rank, and the descendants of ancestors not very remote, who commanded armies, and possessed the rights of sovereign dominion over the reiats or vassals of their respective Zemindaries; that all the Zemindars of these provinces, and the abovenamed more especially, are indebted in enormous sums, far exceeding, as your petitioners believe, the amount of the whole annual revenue of these provinces, for debts mostly accruing from extorted donations, from the usurious and accumulated interest of many years, and from other means which are equally contrary to the laws of England and to their own, but capable of being established in an English court of law, by existing bonds or other written agreements; that, besides the injustice of subjecting the said persons to a foreign law, with the forms, process, and language, of which they are unacquainted, they would by such a controul be wholly

emancipated from the government of your petitioners, and their revenues lost to the united East India company, and to the British nation, since it would be impossible for your petitioners to exercise any authority over them while they were under the actual and superior controul of the supreme court; and the decrees of the said court, being absolute, and admitting of no qualification, would always take place of the claims of your petitioners in behalf of the united East India Company, and, by the terrors annexed to them, would be even preferably obeyed by the Zemindars themselves, and in many cases serve by collusions or other easy means as a pretext to screen them from the authority of your petitioners; and that, by such effects, the whole revenue would be lost to the united East India company, and to the British nation: that the consequences, which your petitioners have above described as likely to result from the extension of the jurisdiction of the supreme court of judicature to the Zemindars of these provinces, would prove at this time the causes of others yet more alarming, inasmuch as your petitioners are charged with the defence of these provinces, in which they possess a precarious dominion of a few over millions, a dominion established by the mere influence of opinion and a long season of domestic peace, but at this time assailed with many surrounding dangers, in the share which it participates with the rest of the British Empire in a war with the most powerful states of Europe, regarded with a jealous eye by all the nations of Indostan, and at this time engaged in a war with the first in power and consequence amongst them: that the loss of the whole, or any considerable failure in the revenue which the united East India Company derives from these provinces, would be certainly followed by that of their existence in them, as your petitioners do at this time maintain a large military force in the pay of the united East India Company, which would be excited to mutiny and revolt whenever your petitioners were no longer able to pay it; and that such an event, besides its immediate danger, would occasion an invasion of these provinces, a calamity which your petitioners are warranted to foretel by the like effect of a like cause, which actually happened in the year 1764; and that your petitioners being in such a case deprived of the means of resistance, these provinces, and the British dominion in India, must fall a certain sacrifice to the ultimate effects of the exercise of an impolitic, unnatural, and lawless authority; that your petitioners are also of opinion, that the attempt to extend to the inhabitants of these provinces the jurisdiction of the supreme court of jndicature, and the authority of the English law, and of the forms and fictions of that law, which are yet more intolerable because less capable of being understood, would be such a constraint on the minds of the people of these provinces, by the difference of such laws and forms from their laws, habits, manners, and religious principles, which under every successive constitution of the former governments have been respected and supported, as might inflame them notwithstanding the known mildness and patience which constitute their general character, to an open rebellion, less indeed to be apprehended in a time of peace, but certain in the event of an invasion; and

that

that such an evil occurring, in addition to the others already described, would add to the national calamity the national reproach of having deservedly incurred it: That your petitioners have judged it adviseable to resort to the means of open resistance to the acts of the supreme court of judicature on this first occasion, to prevent the example from spreading, by the encouragement which would be given to artful and rapacious men, under the instruction of the attornies of the supreme court of judicature, and the loud invitations of the judges themselves, to commence other actions against the other Zemindars of these provinces, your petitioners being convinced, that such would be the effect of allowing the judgment of the supreme court of judicature to operate on your petitioners, and equally certain that the mischief will be in a great measure suppressed by defeating the ends of it, and precluding the hopes of gain in the prosecution of it; that, therefore, your petitioners have resolved, that they will not suffer any judgment which may be given against them in the present cause to be carried into execution against either their persons or their property, deeming this a case of extraordinary urgency, which requires them to assume a dangerous personal hazard and responsibility for the defence and preservation of the property and interests of the united East India company, and of the British nation collectively in these kingdoms: that, in the preceding instance, and in the protection which they have given to their military officer, who was employed to apprehend the armed force sent by the sheriff against the Raja of Cossijura, your petitioners are aware that they may be deemed to have offended against the strict form and letter of the law, and are apprehensive that other cases will multiply, which will oblige them to have recourse to the same means of defence, if the judges of the supreme court of judicature shall persevere in the course which they have begun; but your petitioners hope, that a due allowance will be made for the necessity under which they act, which leaves no alternative but public ruin, if they submit to the jurisdiction assumed by the supreme court, or personal ruin if they oppose it, and are to be made liable to the same penalties which would attend the resisting a lawful jurisdiction; and that it will be considered, that, as the constitutional and discriminating lines by which the wisdom of parliament hath marked the system of government in these kingdoms, have been broken by the judges of the supreme court of judicature, and as a resistance to that violence has been a necessary obligation on your petitioners in the first instance, all the irregular and extraordinary acts which such resistance may draw after it ought to be imputed to the first aggression, as the primary and efficient cause of them; that your petitioners do not presume either to pray for a remedy to the evils of which they have complained, nor to point out the means by which, in the opinion of your petitioners, such a remedy might be obtained and applied, the former being, as they conceive, the proper concern, and the exclusive province, of the united East India Company, and the latter depending only on the wisdom of the British parliament; that the design and prayer of your petitioners is, and your petitioners do accordingly most humbly pray, that they, and all others acting under their authority, may be indemnified against all the legal consequences of their proceedings in the

the cases herein above recited and suggested, and that an act of parliament may be passed for that end; that your petitioners, being freed from every personal concern, and from the vexations and anxieties incident to their present condition, may devote their whole time, attention, and labours, to the discharge of their prescribed duty, and to the advancement and prosperity of the great national interests committed to their charge.

Ordered to lie upon the table.

February 13.

No debate.

February 14.

Mr. *Montagu*.

Mr. *Montagu*, as chairman of the committee who tried the petition on the Abingdon election, briefly stated to the House what had appeared to the committee, viz. that the petitioner produced no witnesses; that he appeared not by his counsel, but in person; that he alledged, as the only facts that went to vitiate the election, that the writ was for the election of two representatives, and the return but for one; and that the returning officer had not performed his duty; neither of which allegations were stated in the petition referred to the committee. Mr. Montagu said further, that from the whole view of the case, the committee were of opinion, that there was not the smallest foundation for the petition; he therefore intended, after he had made the usual motion, "that the House agree to the report," to move, as was done in the case of Sudbury, "that the House are of opinion, that the said petition was vexatious, frivolous, and ill founded;" and then he believed, in conformity to a standing order of the House, it would follow of course, as a motion that the House must agree to, "that satisfaction be made to the sitting member for the expence to which he has been unnecessarily put, in consequence of the said petition having been presented." He then spoke highly in favour of the act of Mr. Grenville, and contrasted the fair, impartial and speedy decisions which now took place under the operation of that act, with the slow, unjust, and party judgments that had formerly been given in election cases, while the right of determination lay with the House at large, when there had been generally few to hear but many to decide, scarcely a house sitting to investigate the merits, but crowds flocking down to give their votes on the side of their favourite candidate. Before he concluded, Mr. Montagu paid high compliments to the young members, for their numerous appearance on the days of the late ballots. He said, it was with infinite pleasure he saw young men of the first expectations, and of the most distinguished families, men to whom this country looked up as

its future supports, attending and agreeing to undertake the the laborious tasks of committee-men, under authority of the wisest, the most equitable, and perhaps the most useful act of Parliament that ever passed respecting the rights of election, and the essential privileges of the House, as far as they were connected with those rights.

Mr. *Moysey* rose to call the attention of the House to the particular situation in which they stood. As far as agreeing to the report, undoubtedly it became the House to do so, but further they ought not to go, without enquiry. The committee above stairs, he reminded them, were only competent to try the title to the seat, and were not a committee of privileges; and as the House must, in compliance with the standing order, award costs to the sitting member, if they pronounced the petition vexatious, frivolous, and ill-founded, it surely behoved them not to condemn the party unheard. Mr. *Moysey*.

Sir *Fletcher Norton* said, he presumed his honourable friend had not read the act, because it constituted the select committee, a committee of privileges, as well as a committee of election. Sir Fletcher desired two clauses of the act might be read. Sir *Fletcher Norton*.

Mr. *Moysey* replied that he thought it rather hard for his learned friend to suppose he should have presumed to speak to the question, which bottomed entirely on the Grenville act, without having read the act itself. He instanced the Shoreham case, and others. Mr. *Moysey*.

Mr. *Burke* put it as a case of compassion, and argued it on that ground in favour of Mr. Wooldridge, with a strong appeal to the humanity and feelings of the House. Mr. *Burke*.

Mr. *Dundas*, Lord Advocate, said, though the matter might fairly go to the humanity and feelings of the sitting member, the House had no right to exercise their discretion; but were bound to decide on the facts before them, and to act like judges in the courts below, who in the case of a nonsuit must award costs of course, whether the case was hard or not on the part of the persons nonsuited.—At length the two first motions were put and carried, and then Mr. Montagu moved, Mr. *Dundas*.

"That Thomas Wooldridge, esq. having preferred to this House a groundless, frivolous, and vexatious petition, complaining of the election and return of John Mayor, esq. to serve in this present Parliament as a burgess for the borough of Abingdon, do make satisfaction to the said John Mayor, esq. for the cost and expences he has been put unto by the said petition." Which was agreed to.

February

February 15.

The Earl of Lisburne presented to the House the following account.

Navy-Office, Feb. 12, 1781.

An Account of the Sums of Money laid out on the Head of Extra of the Navy, between the 21st of December 1779, and the 31st of December 1780, distinguishing the several Ships and Services on which the same have been expended: Prepared pursuant to an Order of the Honourable House of Commons, dated the 4th of December last.

Guns.	*Ships Names and Nature of their Repairs.*	*Expended for the Hulls, Masts & Yards.* £.	s.	d.	*Rigging & Stores.* £.	s.	d.	*Total.* £.	s.	d.
	DEPTFORD.									
74	Goliath, building	3037	11	1				3037	11	1
64	Magnanime, built	15865	0	6	5494	5	8	21359	6	2
	Standard, ordered to be built	5644	16	9				5644	16	9
36	Flora, built	3602	11	4	5266	12	1	8869	3	5
22	Myrmidon, building	3438	10	3	382	7	6	3820	17	9
74	Vanguard, ordered to be built	98	2	5				98	2	5
	Not provided for by the Estimate.									
98	Impregnable, ordered to be built	35	15	0				35	15	0
32	Alarm, great	5975	8	11	2662	1	1	8637	10	0
28	Mercury, built	368	18	9	2825	17	5	3194	16	2
	Vestal, built	1233	3	3	3084	10	10	4317	14	1
Sloop.	Scourge, built	35	17	0	233	18	6	269	15	6
Cutter.	Ranger, fitted	595	4	10	343	13	10	938	18	8
	Repulse, fitted	547	10	8	349	11	9	897	2	5
	Advice, fitted	434	17	8	366	2	4	801	0	0
*	Resolution, fitted	3335	11	10	1535	14	9	4871	6	7
*	Royal Charlotte, fitted	3439	10	3	2178	18	2	5618	8	5
*	Manilla, fitted	1711	10	0	1078	16	0	2790	6	0
*	Raikes, fitted	1644	2	1	668	17	7	2312	19	8
	WOOLWICH.									
64	Sampson, building	4247	19	11	492	18	0	4740	17	11
50	Europa, building	317	14	0	492	7	6	810	1	6
38	Minerva, built	10877	15	8	3964	11	8	14842	7	4
32	Mermaid, building	6	10	11				6	16	11
98	Prince, ordered to be built									
	Not provided for by the Estimate.									
50	Isis, small	4579	8	1	3743	19	7	8323	7	8
32	Winchelsea, great	110	19	2				110	19	2

Those marked thus * are armed Transports.

* Porpoise,

Guns.	Repairs.	Hulls, &c. £.	s.	d.	Rigging, &c. £.	s.	d.	Total. £.	s.	d.
*	Porpoife, fitted	4893	11	9	2138	19	6	7032	11	3
*	Pondicherry, fitted	1597	4	4	1100	6	4	2697	10	8
Sloop.	Merlin, fitted	502	11	6	963	19	6	1466	11	0
36	La Prudente, fitted	6545	11	5	3637	8	8	10183	0	1
	CHATHAM.									
98	Atlas, building	654	7	4				654	7	4
64	Diadem, building	2018	0	6				2018	0	6
50	Leander, built	10927	10	4	5571	8	2	16498	18	6
44	Dolphin, building	7562	18	0	123	17	8	7686	15	8
32	Amphion, built	7070	18	11	313	7	5	7384	6	4
74	Bellona, large	6950	0	9	3649	11	0	10599	11	9
	Leviathan, ordered to be built	191	1	11				191	1	11
	Not provided for by the Estimate.									
90	Blenheim, great	1678	4	9				1678	4	9
74	Arrogant, between middling and great	5376	7	5				5376	7	5
64	St. Alban, great	13689	1	9	3894	16	11	17583	18	8
50	Prefton, fitted	1844	13	11				1844	13	11
44	Acteon, fitted	2475	6	10	285	11	5	2760	18	3
40	Artois, fitting	881	1	11	36	16	5	917	18	4
20	Perfeus, fmall	2197	6	4	1990	3	7	4187	9	11
Cutter.	Speedwell, fitted	600	12	0	824	9	4	1425	1	4
	Cruifer, fitted	646	13	4	808	13	3	1455	6	7
50	Warwick, fitted	3660	7	0	4050	15	11	7711	2	11
	SHEERNESS.									
64	Polyphemus, building	8	1	9				8	1	9
	Not provided for by the Estimate.									
36	Sta. Margaritta, fitting	3978	16	9	1943	6	6	5922	3	3
50	Chatham, fitted	2972	6	9	2228	10	10	5200	17	7
Sloop.	Martin, fmall	1117	7	10	1584	0	4	2701	8	2
	PORTSMOUTH.									
98	St. George, building	70	14	6				70	14	6
74	Warrior, building	2793	16	3				2793	16	3
	Bulwark, ordered to be built									
50	Leopard, building									
24	Crocodile, building	1394	12	10	828	0	0	2222	12	10
	Eurydice, building	2149	4	0	624	16	4	2774	0	4
98	Barfleur, fmall	10029	18	10	5439	14	3	15469	13	1
84	Royal William, between middling & large									

Guns.	Repairs.	Hulls, &c. £.	s.	d.	Rigging, &c. £.	s.	d.	Total. £.	s.	d.
Not provided for by the Eſtimate.										
64	Monmouth, ſmall,	6457	9	3	208	0	10	6665	10	1
Fire Ship.	Exploſion, between middling and great	1768	8	3	5	18	2	1774	6	5
50	Hannibal, built	1959	6	7	3680	3	9	5639	10	4
70	Princeſſa, fitted	6624	9	6	10211	11	9	16836	1	3
68	Diligente, fitted	3175	2	6	8552	2	10	11727	5	4
	Monarca, fitted	6338	16	9	9050	1	3	15388	18	0
64	Prince William, fitted	4951	18	0	7896	6	11	12848	4	11
36	La Belle Poule, fitted	3394	6	2	38	0	0	3432	6	2
	La Nymphe, fitted	3169	10	8	159	5	2	3328	15	10
	Monſieur, fitted	3723	5	0	4641	9	11	8364	14	11
	Santa Monica, fitted	3998	9	4	5869	3	10	9867	13	2
Sloop.	Du Guay Trouin, fitted	1266	9	8	2214	5	9	3480	15	5
Cutter.	Mutin, fitted	574	9	6	71	5	5	645	14	11
	PLYMOUTH.									
100	Royal Sovereign, building									
98	Glory, building									
74	Cæſar, ordered to be built	1	7	0				1	7	0
64	Anſon, building	10600	7	5				10600	7	5
50	Meduſa, building		19	5					19	5
20	Narciſſus, building	3224	7	3	2297	18	4	5522	5	7
74	Hero, large	16309	12	1	4081	1	2	20390	13	3
	Kent, middling	208	1	1	1043	12	9	1951	13	10
Not provided for by the Eſtimate.										
50	Saliſbury, middling	3116	10	3				3116	10	3
28	Solebay, middling	4284	0	9	2970	10	6	7254	11	3
80	Gibraltar, fitted	7352	19	0	8715	6	3	16068	5	3
32	Oiſeau, fitted	939	3	11	3772	2	4	4711	6	3
Sloop.	Ec[illegible]e, fitted	1317	0	2	1569	18	9	2886	18	11
*	San Carlos, fitted	2881	13	10	153	5	0	3034	18	10
Cutter.	Pilote, fitted	780	5	11	788	5	3	1568	11	2
	Total King's Yards	£. 276781	17	1	£. 155193	13	6	£. 431975	10	7

Ships

Ships building in Merchants' Yards.

Guns.	Repairs.	Hulls, &c. £.	s.	d.	Rigging, &c. £.	s.	d.	Total. £.	s.	d.
	RIVER THAMES.									
74	Fortitude, built	15442	15	8	9253	11	2	24696	6	10
64	Sceptre, building	10814	10	0				10814	10	0
44	Assurance, built	7680	13	2	5609	12	3	13290	5	5
38	Latona, building	9195	11	0	521	3	2	9716	14	2
64	Dictator, building	2718	17	11				2718	17	11
32	Juno, built	8727	0	8	4579	13	8	13306	14	4
64	Africa, building	14036	11	0	1007	10	1	15044	1	1
	Scipio, building	19	19	8				19	19	8
32	Orpheus, built	8202	15	5	4670	4	1	12872	19	6
64	Belliqueux, built	12151	9	11	6329	17	4	18481	7	3
	Crown, building	5466	14	8	375	12	4	5842	7	0
	GRAVESEND.									
Sloop. 16	Zebra, built	4009	9	3	2751	0	1	6760	9	4
	DOVER.									
Fire ship.	Alecto, build.	2291	0	6	250	0	0	2541	0	6
——	Tisiphone, build.	2360	3	6				2360	3	6
	MISTLEYTHORN.									
32	Iphigenia, built	4400	9	3	1348	7	3	5748	16	6
	HARWICH.									
74	Irresistible, building	6568	10	0	416	0	0	6984	10	0
64	Inflexible, built	6346	1	5	5399	2	6	11745	3	11
	EAST COWES.									
	Repulse, built	6572	10	2	5665	9	9	12237	19	11
32	Astrea, building	2610	0	0	320	15	6	2930	15	6
	NORTHAM.									
64	Stately, building	2667	8	9				2667	8	9
32	Active, built	9112	5	4	5286	11	7	14398	16	11
	BURSLEDON.									
32	Fox, built	6828	10	5	4961	5	4	11789	15	9
64	Ardent, building	2697	0	0				2697	0	0
32	Quebec, building	2611	10	0				2611	10	0
	BUCKLERSHARD.									
64	Agamemnon, build.	10368	7	6	1480	16	0	11849	3	6
	BRISTOL.									
44	Diomede, building	3723	15	1				3723	15	1
38	Arethusa, building	5618	11	10	3886	2	4	9504	14	2
	HOWDENPANS.									
44	Argo, building	6701	4	5	1269	10	11	7973	15	4

Guns.	Repairs.	Hulls, &c. £.	s.	d.	Rigging, &c. £.	s.	d.	Total. £.	s.	d.
	LIVERPOOL.									
32	Dedalus, built	5457	17	0	4097	12	1	9555	9	1
14	Sloop. Alligator, built	2056	9	1	2605	8	7	4661	17	8
32	Succefs, building	2614	3	8	3951	19	1	6566	2	9
50	Affiftance, building	8708	0	5	4310	4	4	13018	4	9
32	Ceres, building	2510	6	3	118	9	9	3328	16	0
Not provided for by the Eftimate.										
	RIVER THAMES.									
32	Andromache, building	1416	4	2				1416	4	2
36	Perfeverance, building	5711	12	1				5711	12	1
44	Refiftance, agreed for to be built	1278	16	6				1278	16	6
74	Powerful, agreed for to be built	3289	13	9				3289	13	9
—	Defiance, agreed for to be built	3293	9	4				3293	9	4
44	Guardian, building	1286	4	0				1286	4	0
	GRAVESEND.									
50	Cato, building	1801	2	0				1801	2	0
	WIVENHOE.									
16	Sloop. Infpector, building	512	6	8				512	6	8
	DOVER.									
Cutter.	Pigmy, built	1123	2	11	90	0	0	1213	2	11
——	Cockatrice, building	570	13	6	40	0	0	610	13	6
	FOLKSTONE.									
Sloop.	Scout, built	3777	15	7	1373	14	9	5151	10	4
	SANDGATE.									
Sloop.	Fortune, built	3562	17	2	1447	1	11	5009	19	1
	NORTHAM.									
44	Mediator, building	3761	18	9				3761	18	9
	Regulus, agreed for to be built	1249	3	9				1249	3	9
	BUCKLERSHARD.									
64	Indefatigable, agreed for to be built	2673	11	2				2673	11	2
44	Gladiator, agreed for to be built	1254	18	9				1254	18	9
	BRISTOL.									
22	Termagant, built	7725	4	7	907	7	2	8632	11	9
32	Hermione, building	1315	17	6				1315	17	6

44 Serapis,

Guns.	Repairs.	Hulls, &c. £. s. d.			Rigging, &c. £. s. d.			Total. £. s. d.		
44	Serapis, agreed for to be built	1245	9	0				1245	9	0
50	Trusty, agreed for to be built	1857	5	0				1857	5	0
32	Druid, building,	1315	17	6				1315	17	6
	LIVERPOOL.									
50	Grampus, agreed for to be built	1799	0	6				1799	0	6
38	Phaeton, building	1879	2	0				1879	2	0
16	Sloop. Ariel, build.	512	17	9				512	17	9
	Total Merchts. Yards.	£. 255504	16	10	£. 85024	3	0	£. 340528	19	10
	Total King's Yards.	£. 276781	17	1	£. 155193	13	6	£. 431975	10	7
	Total.	£. 532286	13	11	£. 240217	16	6	£. 772504	10	5

On Works of the Yards.

WOOLWICH.

	£.	s.	d.
Not provided for by the Estimate.			
Towards building iron sheds at the storehouse	1089	6	3
PORTSMOUTH.			
To 500 feet running length of stone wharf to the west-side of the watering island			
To 116 feet running length of stone wharf to the east and west sides of the Camber - -	3961	2	11
To 275 feet running length of stone wharf in the boathouse channel - -	6765	1	10
To completing the rigging house - -	6760	10	2
To completing the storehouse for fitted rigging - - -	1915	3	9
To completing four new houses for the surgeon, boatswain, clerk of the rope-yard and master rope-maker - - -	571	5	9
To building a new hemp-house			
Not provided for by the Estimate.			
To building a storehouse for Dantzick plank, Prussia deals, &c. at the new ground -	4529	15	5
Towards an inclosure for masts and fir timber at the new ground - - -	1362	6	7

To

	£.	s.	d.
To completing the new ſtorehouſe - -	1549	10	2
PLYMOUTH.			
Towards completing the wharf and town drain at the back of it, building a cabin for the maſter boat-builder, a pitch-houſe and ſteam-trunk for the uſe of the boat-houſe on the north-ſide of the new boat-houſes -	3198	16	3
Towards completing two bays of boat-houſes and forming a ſlip in front of them - -	1005	19	7
Towards completing three bays of top and capſton houſes and a ſlip in front of them -	1747	1	10
Towards carrying up five walls for forming the locks, making the locks in the maſt pond, and completing the ſame - - - -	6234	19	10
Towards erecting a mould loft and five bays of plank houſes over the locks - -	2199	15	10
Towards compleating a bridge at the eaſt end of the new maſt-houſe - - -	89	1	0
Towards building the new barracks for marines, at Stonehouſe near Plymouth			
Not provided for by the Eſtimate.			
To levelling the rock in front of the maſt-houſe ſlips - - - - -	516	12	6
To completing four new bays of maſthouſes	1370	0	6
Total £.	44866	10	2
Total for the ſhips brought forward £.	772504	10	5
Grand total £.	817371	0	7

ABSTRACT

ABSTRACT.

	Expence on the several ships and services.						Total.		
	Included in the estimate.			Not provided for by the estimate.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.
For the ships in his Majesty's yards - -	170,069	8	6	261,906	2	1	431,975	10	7
For the ships in merchants' yards - -	282,456	12	1	58,072	7	9	340,528	19	10
Towards the improvements in the yards - -	34,448	18	9	10,417	11	5	44,866	10	2
Grand total £.	486,974	19	4	330,396	1	3	817,371	0	7

Viz. The sum of eight hundred seventeen thousand three hundred and seventy one pounds and seven pence.

CHARLES MIDDLETON,
L. WILLIAMS,
EDMD. HUNT,
GEO. MARSH.

The order of the day was to call over the defaulters who had not attended on the call of the House, on the 13th of January, [See page 377] When the name John Roberts, Esq. member for Taunton, came to be called, no gentleman offered any excuse for Mr. Roberts's absence, upon which

Sir *Joseph Mawbey*.

Sir *Joseph Mawbey* said, that the lenity of the House in not enforcing their own orders respecting the non-attendance of their members, when a call of the House took place, rendered calls of little or no effect. The critical situation of the country rendered it highly necessary, that the attendance of the representatives of the people should be as complete as possible; he therefore, without meaning the least personal ill-will to any gentleman, much less to Mr. Roberts, for he had not the honour to know him, should move, "That John Roberts, Esq. member for Taunton, be sent for in custody of the serjeant at arms, and brought before the House, to answer for neglect of his parliamentary duty, in not obeying the speaker's warrant, and attending in his place when the House was called over."

Ld. *North*.

Lord *North* submitted it to the honourable baronet, whether it would be right for the House to commence a severity, from which it had long relaxed, with a young member, who might not be supposed, having never sat in Parliament till since the last election, to be perfectly acquainted with the rules and orders of the House. Mr. Roberts, his lordship observed, had attended Parliament before the recess, and therefore he trusted would not be deemed so negligent as to merit the severity that the honourable baronet's motion went to enforce, and he further submitted it to the House in general, whether it would not be more just to revive the rule of moving that a defaulter be taken into the custody of the serjeant at arms against some old member, if it should appear that any old member was a defaulter.

Sir Joseph replied to this argument, and desired that the proceedings of the House on a similar occasion, in February 1738, might be read.

It appeared from these extracts, that two members were upon a call made at that period, defaulters: the House divided upon the question in the case of the first of the two, and it was negatived, but in the case of the second, that of Sir William Courtenay, it was carried in the affirmative, and Sir William was ordered to be taken into custody.

Sir Joseph argued from this precedent, that the House were now much more lenient to Mr. Roberts than they had been

been to Sir William Courtenay. The queſtion was put, and the Houſe divided. Ayes 140, Noes 114.

The clerks proceeded to call over the reſt of the defaulters names, and when one gentleman of the number came to be mentioned, for which no other excuſe was offered, Sir Herbert Mackworth ſaid, he had ſeen him lately, and he told him, he was going very ſhortly to be buſily engaged about an important affair. The Houſe requeſted Sir Herbert to ſtate what affair. Sir Herbert replied, "an affair of marriage!" This cauſed a hearty laugh, and was accepted as a ſufficient excuſe. When Lord Kenſington's name was called, Mr. Robinſon ſaid he had written to the noble lord to inform him of the call of the Houſe; that Lord Kenſington wrote him back word, he would ſet out inſtantly for London; Mr. Robinſon therefore ſaid, he imagined his lordſhip was on the road. Sir Joſeph not admitting this to be a ſufficient excuſe, moved, "that Lord Kenſington be ſent for in cuſtody of the Serjeant at Arms." Mr. Robinſon moved, as an amendment, that the words "ſent for in cuſtody, &c." be left out, and the words "be excuſed," be inſerted in their ſtead.

This gave riſe to a ſhort debate.

Right hon. *T. Townſhend* reprobated the amendment as an attempt to turn a grave and ſerious buſineſs into ridicule. He aſked whether that Houſe meant to countenance ſuch an endeavour to make the orders of the Houſe of leſs effect, than the miniſterial letter of the ſecretary of the treaſury? and declared, that if the amendment was inſiſted on, he would move another amendment, and take the ſenſe of the Houſe whether the word *not* ſhould not ſtand between the word *be* and the word *excuſed*. Right hon. *T. Townſhend*.

Mr. *Robinſon* explained his meaning; declaring, that he had not written to Lord Kenſington miniſterially, but had given him notice of the call as a friend; and as he had ſtated the noble lord's anſwer, he would perſiſt in his amendment, unleſs the original motion was withdrawn, which he thought hard and unjuſt, conſidering the circumſtances of the caſe. Mr. *Robinſon*.

Lord *North* ſupported Mr. Robinſon, and ſaid he did not at all wonder at the furious and indignant manner in which the honourable gentleman over the way had ſpurned at his honourable friend's amendment. It was that honourable gentleman's cuſtom to be furious and indignant at every thing and at nothing; whether the ſubject was really of the laſt importance, or of no importance at all. His lordſhip ſaid, he Ld. *North*.

he had underftood, that provided an excufe was made for a defaulter, the Houfe had agreed to accept it, even though it were not fo ftrong as the Houfe might wifh.

Mr. Courtenay.

Mr. *Courtenay* declared himfelf not in the leaft furprifed that any gentleman fhould take fire at a monofyllable, or exprefs an alarm at one word. He had found before, that a fingle monofyllable frequently contained much lurking mifchief in it, [*A laugh.*] and fome gentlemen could fee danger where others thought there was none. What had paffed, reminded him of a ftory which he learnt at Rome---there was an old woman, and fhe was a Scotch woman, whofe fon got his bread by carrying dung from the city in a boat down the river, to manure the country. His mother, who faw great danger in this, ufed to walk along the banks of the river, and cry out, "Oh, Johnny Anderfon, Johnny Anderfon, why wilt thou be fo venturefome? Wilt thou never leave off challenging the danger of the fea?"

The motion was withdrawn on the fuggeftion of Mr. T. Pitt, and other gentlemen.

The lift being ended, Sir Jofeph Mawbey moved, "That the Houfe be called over again that day four weeks."

Sir Thomas Clavering.

Sir *Thomas Clavering* oppofed it, on the ground that it was unufual to call over the Houfe twice in one feffion.

The queftion was put and negatived.

Mr. Burke.

Mr. *Burke* rofe about half paft fix o'clock, and previous to his entering on the fubject of his intended motion, he moved that the Journals of the 6th day of April 1780, be read. They accordingly were fo, and the matter referred to was as follows:

"Refolved, that it is neceffary to declare, that the influence of the crown has increafed, is increafing, and ought to be diminifhed.

"That it is competent to this Houfe to examine and correct abufes in the expenditure of the civil lift revenues, as well as in every other branch of the public revenue, whenever it fhall appear expedient to the wifdom of this Houfe fo to do.

"That it is the duty of this Houfe to provide, as far as may be, an immediate and effectual redrefs of the abufes complained of in the petitions prefented to this Houfe from the different counties, cities, and towns, of this kingdom."

This being done, he proceeded to ftate to the Houfe his occafion for renewing this important bufinefs. Thefe refolutions

lutions, which had been made in the last session of the last Parliament, he considered as a valuable legacy bequeathed to the public, and an atonement for the criminal servility which had marked and stigmatized their previous conduct. Even in their present form they were something more than declaratory; they formed a title, and a body of maxims authorizing the people of this country to expect from their present representatives that which is declared to be necessary by their predecessors. They were incomplete, indeed, in their present form; they wanted specific conclusions to give the effect and benefit which they held out. It remained for the present Parliament to accomplish and fulfil what the other had but begun, that the resolutions, which had been read, might not stand upon the Journals, public monuments of their disgrace. He had intimated to the House, that on this day he intended to renew the important consideration of this business, and offer to them propositions for carrying into effect the resolutions which had been read. He had chosen that day, as it was appointed for the second call of the House, from the prospect of a full attendance; and he was happy to see that his expectations were not frustrated. He would not on the present occasion trouble them so long, to enter so fully into the merits and practicability of the proposed reform as he did the year before; because he was well convinced, that every part of the House was now in full possession of his ideas on the subject. These resolutions were the result of a long, deliberate, and sober debate, when the House was well attended, and when a spirit pervaded every corner of the place which was friendly to reformation and œconomy. They did not originate in that House; the spirit came from abroad; they came from the high and towering mountain of public spirit, initiated by suffering and aroused by necessity. It was that spirit which had piled up heaps of complaints and petitions on their table, and had pointed out to them what was necessary and what was looked for. In consequence of this burst of public opinion, the House became virtuous and wise; they attended their duty without any influence of grace, or treasury document in their pockets; and adopted the spirit which their constituents had inspired.

On coming into Parliament, therefore, the first thing which had struck him as his duty, was the famous resolutions which had been made in consequence of that spirit; and he had, soon after he came amongst them, given notice

of his intention of moving, on that day, for leave to renew the business. This was the purpose with which he rose, and he entertained the confidence of meeting with men, in the new Parliament, who would consider it as their duty to go hand in hand with him in carrying into execution the wishes of the people; those wishes which had been delivered in thunder and lightning, and which they now expected to see carried into fruition. It being admitted that a speedy and effectual redress was necessary, there could be no excuse nor apology for carrying it into execution. The wisdom and power of the present Parliament were the foundations on which public confidence could rest. The wisdom and the power were all that could be conceived to be necessary to the accomplishment of this business. The wisdom and the power of Parliament were adequate to all the purposes of national security, œconomical government, and public respect. They would not for a moment believe that Parliament wanted integrity to adopt what its wisdom suggested, and its power could execute. They would not believe, that they wanted inclination to satisfy the minds of the people, to attend to their legal petitions, to hear and to inquire into the truth of their complaints, and to grant them the full redress of every actual grievance. They would not give harbour to such a suggestion, until they could reason from experience; and not thinking, therefore, that their representatives wanted integrity, they trusted every thing to their power and their wisdom. The people from every part of the country had declared, that œconomy and retrenchment was required to the existence of the state, and they considered it as a measure that ought to be adopted. He was happy that in the course of his studies, (if any thing to which he applied himself might be allowed to claim the distinguished appellation), he should have met the public spirit and the public voice on its way. Their ideas had been the same, and therefore he thought himself justified in signing the petitions, and in offering to the consideration of the House such thoughts as arose in his mind on the subject. The people had applied to the House, and though they had not agreed in any one system of complaint, or plan of reform, yet they had all stated either errors or calamities in the administration of government, and expence, which certainly ought to be rectified, although they did not agree in the means. He had not gone along with them in all their ideas, because he did not conceive that they were all practicable or

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proper. Something good there was in all the petitions; and though they had prepared various plans, and had differed about the mode of redress, there were two things in which they had all agreed; and those were, that retrenchment and œconomy was necessary, and that the influence of the crown was become dangerous, and alarming in its extent. The last object was of the most serious importance; for it was by means of this influence, that profusion and extravagance were increased. It was the creating and created power; influence and profusion were mutually dependent on each other, and by their joint force and assistance were supported and increased. They declared the necessity of diminishing that influence, which had rendered the two Houses of Parliament accessary to the power of the crown, instead of being a balance against it.

It was the duty of a wise legislature to listen to the applications and the complaints of the people. Like the skilful physician, they were to feel the pulse of the patient, and having discovered the seat and the nature of the disorder, they were to apply the remedy. They were not to withhold it, because the people were patient under suffering; or because they were clamorous. They were to study the temper, to look into the constitution, and the state of the governed, and watching their motions, they were to apply the remedy at the proper season. When the petitions were presented to the House, there were general meetings of the people in every county and city of the kingdom; they were legal and grave in their deportment; they were peaceable and loyal: some men in that House had pretended to charge them with illegality in their proceedings; that their meetings tended to disorder and convulsion; and were unwholesome, and unfit to be suffered. Without entering into any refutation of a charge which he considered as ill-founded and ridiculous, he would only say, that whether they were so or not, it became a wise and prudent legislature to attend to the reality and the body of the complaint, and not to the form or the irregularity in which it was made. This was their duty as well as their prudence and policy; and in attending to this, they would chuse rather to dissipate complaint by removing the evils, than by correcting the heats arising therefrom. The difference between a wise and an intemperate government was, that the one administered, without justice and mercy, without being influenced by the petulance, or disturbed by the clamours of the subject; it was not

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heated by the violence of resentment, nor rendered severe and obdurate by the patience of suffering. An intemperate government, on the contrary, entered into all the heats, alarms, and suspicions of the people; they whipped the infant till it cried, and whipped it for crying. When the people were submissive, the government was cruel; when they were violent, it was cowardly.

In consequence of the petitions laid upon their table, two attempts had been made to carry into execution the wishes of the people. An honourable friend of his had introduced a plan to correct the abuses in the public expenditure, by which the money would be brought to a more speedy account, and be applied more œconomically to the public service. This plan, founded in wisdom and the fairest probability, was superseded by a scheme of the noble lord in the blue ribbon, who thought that a tribunal erected by himself, dependent on himself, and paid by himself, would answer the purpose of correcting the abuses complained of, better than any other system of regulation: and by this hopeful expedient he took from Parliament their ancient, hereditary, inherent right of controuling and checking the public expenditure. He trusted, however, that the House had divested themselves of this right but for a time, and that they would, on reflection, see that they had parted with a great constitutional benefit, for a chimerical, unsubstantial good. He reprobated the conduct of the noble lord in this respect, as at once delusive and ungentleman-like. The second attempt to carry into execution the wishes of the people, had fallen upon his shoulders; it was a plan for an œconomical reform of many abuses in the civil department of government, and for retrenching the influence of the crown, maintained by the emoluments of useless offices, and of unmerited pensions. The House knew the circumstances, and the fate of that plan. It consisted of five bills, two of which were allowed to be printed, and consequently the young members, as well as the old, were acquainted with them. The first was a bill for an œconomical reform of the public expence, by abolishing useless offices and unmerited pensions. The second was a bill for the better regulation of the civil list revenue and expenditure. These two were printed and known. The other three were objects of the same nature, all forming parts of the comprehensive plan of general reform. His object was twofold, viz. "A saving in

in the public expences, and a reduction of the influence of the crown."

This reform he endeavoured to effect, not arbitrarily, piece-meal, and at random, but upon certain principles by which the different particulars, in which he endeavoured to to effect a reformation, would be connected into one syſtem, which ſhould grow up by degrees to greater perfection, and be productive of ſtill increaſing benefits. He conceived that it was neceſſary to reſcind unmerited penſions, to aboliſh uſeleſs places both in the court and in the ſtate, and to inſpect and controul the whole civil liſt. By the ſcheme he had propoſed, there would ariſe a ſaving to the public of two hundred thouſand pounds annually, at leaſt. But what he valued more than all this ſaving, was the deſtruction of an undue influence over the minds of fifty members of Parliament in both Houſes.

The miniſter was pleaſed to receive the propoſition with approbation. He paid compliments to the principle, and oppoſed it by detail. At firſt, crowded Houſes were ſeen in every ſtage of the buſineſs, and there was an appearance of conviction on the minds of men: they had no objection to the abſtract and general propoſitions, but when they came down to ſpecific reform, they left him and his cauſe. The ſqueamiſhneſs of the Houſe was ſuch, that after ſwallowing thoſe parts of the plan for which ſomething might have been ſaid, in reſpect to the uſe, the ſhew, the antiquity, or the reſpect; they objected to others, for which the moſt ingenious advocate could not advance an argument. They firſt dwindled off from one queſtion, and then ſilently ſtole away from another, till at laſt the whole was permitted to moulder and ſhrink imperceptibly from the view, and he was obliged, after much fatigue, and no ſucceſs, to give it up, with the mortifying reflection, that his own labours, and thoſe of the Houſe, had produced no benefit to his country.

He was fully aware that there were only two cauſes that could contribute to the ſucceſs of a general plan of reform. The firſt and the moſt natural and eaſy was the approbation and the ſupport of the miniſter. When public reform became a meaſure of ſtate, and the ſovereign was intereſted in the retrenchment of extravagance, then it became eaſy and ſecure. The other cauſe and occaſion of ſucceſs, was the ſpirit and the perſeverance of the people: when they diſplayed the grave and rigorous ſpirit of determination, and ſoberly applied to their repreſentatives for the reform, which they

they conceived to be neceſſary; then it was reaſonable to expect that their virtuous reſolution would communicate vigour to their repreſentatives, and animate them to their duty. He thought it neceſſary to ſtate this to the Houſe, as a juſtification of himſelf in bringing forward the plan; for nothing could be ſo ridiculous and romantic as a reformer without probability and proſpect. He ſtated, therefore, thoſe two grounds to juſtify the prudence of his attempt; ſince though he was not aſſiſted by the approbation of the miniſter, he was ſeconded and ſupported by the ſpirit and perſeverance of the people. At that time he was ſo entrenched by the petitions of the people, that he could not raiſe his eyes and diſcover the enemy that lay on the other ſide; now indeed the entrenchments were removed, the breaſt-work was taken away, and the enemy might view him from the top of the head to the buckles in his ſhoes, and he could ſee his enemy arrayed and armed againſt him. The queſtion therefore was, whether, though it was right in the firſt inſtance, ſo defended, and ſo ſupported, it was right now? Whether he committed a raſh and imprudent act now in bringing forward the ſame plan again? He aſſerted, that there was no imprudence in the undertaking, becauſe there was no change in the opinion of the people. Their ſentiments were undoubtedly the ſame, though they had not renewed their applications to the Houſe. They might entertain the ſame notions of the neceſſity, of the expediency, of the virtue of ſuch a reform, though they had not in the ſame anxious and eager manner preſented their ideas upon it to the Houſe. He believed that many gentlemen preſent were well convinced of the temper and the inclinations of their repreſentatives: and though ſome noble lord, with a blue ribbon, on the other ſide of the way, (remarkable for his wit and humour) might be inclined to indulge his diſpoſition on the preſent occaſion, and exclaim, "A fine mover of a popular bill; you who were rejected by your old conſtituents, and by all the people of England at a general election, and who owe your ſeat to my courteſy; you, to be ſure, muſt be a fine mover of a popular bill!" From this inſinuation it might be argued, that the people of England were diſinclined to the reformation propoſed; that his old conſtituents, in particular, had evidently ſhewn their ſentiments to be averſe to the bill; becauſe, if they had approved of his conduct, they would have choſen him again to repreſent them. To this he muſt anſwer, that it was

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very true he was rejected by his old constituents, and that he had not been chosen at the general election; but he denied the inference, though he felt the humiliation. "I do not think," says the honourable gentleman, "that because my old constituents, have not made choice of me, the people of England, have rejected the bill!" His old constituents might wish to have this business transacted by a man of more ability and more authority than himself, and so might the people of England; and so did he. He came there humbled, but not dissatisfied; humbled, but not depressed. Though his old constituents had not thought proper to return him; yet as he was come back to that House, he should think it his duty there, as well as in every situation in which Providence should be pleased to place him, to act agreeable to the sentiments of obligation and rectitude. Humbled as he was, he wished not to have been the author of the renewed bill; but a spirit of politeness, which usually prevailed, and which had never been violated but in one instance, and which he hoped would never be violated again, had prevailed on gentlemen to lay the task upon him, because he had been the original mover of the business. He begged leave to say, that though the people had not renewed their complaints, they had not rejected the bill. Their ideas were the same, both of the necessity and the advantage, and in some instances they had expressed their desires. They had sent deputies to town to concert measures for attaining these measures; they had recommended them as instructions to their representatives; and he himself had been honoured with an application from the county of Devon, requesting him to renew the attempt: and there he was, in obedience to their desires, recommencing the efforts which he had fruitlessly made the former year, in the service of those, for whom his best services were due. He had made no alteration in the plan; he meant, if the House would give him leave, to bring it forward in the same frame, that he might have room for all the wisdom and all the virtue of the assembly, to carry on and perfect the rude sketch of the reformation proposed. He most sincerely wished that the noble lord in the blue ribbon would take the matter from his hand, and conduct it through Parliament. He would rejoice at the change; since he did not solicit the honour, but the advantage of the plan. If the noble lord, with his shining weapons, would fight the battles of the people, secure of the benefits, if not of the triumphs of wisdom, he would

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gladly court the ſhade, ſequeſtered from ambition and popularity.

It might be aſked with propriety, whether the neceſſity was leſs now than it was before? Certainly not. Had the people then abandoned the bill, becauſe they had been ſilent? Certainly not. Many cauſes might contribute to their ſilence. It might be owing to the reſpect which they entertained for an untried Parliament. They might conceive, that as the neceſſity was pointed out to them, and the duty, the means might be ſafely left to their wiſdom, integrity, and diſcretion. Or perhaps their ſilence was the effect of deſpair. They might ſee and feel that their wiſhes were incompetent with their ſtrength, that Parliament was fortified by influence, and that as they had nothing to hope from the independence, they had every thing to apprehend from the power of Parliament. And as to their endeavouring to extort their requeſt by force, they might conceive that the remedy would be more fatal than the diſeaſe. He thought ſo too. The object would not juſtify the expedient. But if they had hitherto patiently refrained from violence, and preſented their petitions with temper, it was a ſign of the want of virtue in thoſe who made the conſcience and fortitude of the people an argument againſt redreſs. He warned the Houſe not to leave the people in ſo pernicious a ſentiment as deſpair: there are limits, beyond which human forbearance cannot proceed.

He truſted, that the ſame unbecoming and inhuman ſpirit would not prevail in the Houſe now, which had been too viſible on many former occaſions, of conſtruing every act and expreſſion of the people to their diſadvantage; and taking their conduct, whatever it might be, as a reaſon for objecting to their deſires. That if they were clamorous, they ſhould be conſidered as dangerous, and their petitions be rejected, becauſe their conduct tended to public convulſion: and if they were quiet, that their deſires ſhould be reſiſted, as by their coolneſs they could not be in earneſt. Such was the ſophiſtical reaſoning of miniſters, and thus they met the applications of the people. If, under the apprehenſions of national danger, they ſhould preſent a petition in great numbers, praying for a redreſs of grievances—No—they are inſolent, they cannot even be heard in ſuch a moment. This is cruel treatment; for injuſtice does not alter its nature, by provoking the reſentment or the rage of thoſe who ſuffer by it. On the other hand, when the people are quiet, it is ſaid, Oh, never mind their petitions, they have too much conſcience

ence to pursue their object at the risk of a civil war. Indeed I hope they have, said Mr. Burke, and I am one of those who think with them, that the object I contend for, should not be sought after through so dreadful a calamity. But I contend that this is very unfair reasoning; because the people have some conscience, that the minister and his friends are determined to have none at all. If the House were to consider their rank and their situation, that they were the representatives of the people; dependent upon them, answerable for their conduct, and charged with the guardianship of the constitution: considering themselves in that light, they ought to pay regard to the desires of the people, by whom they were constituted, and give the most serious attention to applications so generally and seriously made. If they were to view themselves in another point of view, as a self-created, self-existing body, coming from the earth of the kingdom in which they lived, and attached to it by no other ties than such as were local and natural as citizens, without being bound as representatives, still they were called upon by the most serious motives: we were at war with ourselves; we were at war with our enemies; we were at war with our allies; and there was great reason to apprehend that a more dreadful war was impending over our head:—a war with those maritime powers by which our boasted naval superiority was suffered. It became them, in such a crisis, to have regard to every method of retrenchment. In such a moment they ought to take from their civil establishments to add to their military service. They ought not to prefer shew to substance; for the expences of the war were too enormous to be always sustained by the people, unless something was done to supply as well as to impoverish them, to feed as well as to exhaust. The ministers boasted indeed, that the resources of the nation were unbounded, which, reduced to plain meaning, amounted to no more than this—as long as there is a penny in your pocket, I will find the means of taking it out. While you are patient, and have any thing remaining, I have not concluded my resource. While gentlemen of extensive landed property found it impossible to raise a single shilling on their estates, and saw their tenants starving by the enormous increase of taxes, they were told that national distress was merely ideal, and as long as the premier could raise the ensuing year's supplies, no danger was to be apprehended: but such deception could not avail to disperse the substantial calamities of the country, or counterbalance the good policy of our natural enemies.—We heard

much of the ſpirit of the people: that every thing was to be accompliſhed by the ſpirit of the people. When enemy ſucceeded to enemy, and the guilty raſhneſs of miniſters leagued contending ſtates againſt us, an independence was to be maintained by the ſpirit of the people. Abandoned by our allies, and left by Europe to our fate, not alone, our reſcue, but our triumph was to be accompliſhed by the ſpirit of the people. In every ſituation, in every danger, and in every emergency, we were to find reſource or conſolation, eſcape or conqueſt in the ſpirit of the people. All this might be very true; the ſpirit of a free people would do much, but in his idea, a good deal of the conſequence and effect of ſpirit would depend upon the ſtrength. It was not proper to deny the manger, and to give the ſpur—that is to ſay, to deny the horſe his neceſſary provender; and yet, truſting to his mettle, urge him by torture, to exertions for which his weakneſs was unqualified. The ſpirit of the people was the pride, as well as the bulwark of the country; and that ſpirit ought to be rouſed and nouriſhed by tenderneſs and ſolicitude, not depreſſed and diſſipated by ſeverity and neglect. The body ought to be fed, that the ſoul may have its energy, and what would be the greateſt inducement to the ſpirit of the people? Participation and example! He repeated it—participation and example. This would awake and animate the dormant flame of Britain. Let the government participate in the ſufferings of the people. Let the King ſhew his ſubjects a glorious example of retrenchment and œconomy, and ſee if they have not virtue to imitate as well as to admire. This would give blood and bones and ſinews to the war: the body thus invigorated, would acquire activity in its movements, and irreſiſtible force in its exertions. The honour and the glory would belong to the government.—It would be magnanimity for which they would become dear to poſterity. Their names would be reverenced, and called up as bright examples to future ſtates.

He placed Parliament in another predicament. If they were the mere creatures of the crown, conſtituted, fed, and dependent on the court, he aſſerted that it would be their duty, and ought to be their inclination to adviſe the ſovereign to œconomy and retrenchment. By the plan which has been prepared, they would be able to give the King that which Kings in general very much deſired—power; for œconomy was power; it was wealth and reſource; it was men and arms; it was all that ambition could either covet or exert to accompliſh

accomplish its ends. Were he then the creature of a despotic prince, he should, as his counsellor in his assembly advise him, in a time of trial and difficulty, to take from his civil expence, that he might add to his military establishment; to take from shew, that he might add to substance; to make his people happy, that he might make them vigorous; to make his war a war of exertion, that his peace might be honourable and secure. He would recommend nothing that would detract from his true grandeur, or from the pomp of royalty; but to divest himself of a little that he might keep a great deal; to divest himself of profusion, that he might retain his power. He would tell him, that in a moment of expensive trial, it was better to part with that which was ornamental, than with that which was solid; it was better to part with the embroidery than the coat; it was easier to retrench the desert than the dinner. He would tell him, that to keep up the parade and shew of royalty, without the power thereof, was like the absurd vanity of taking from the manger to decorate a poor starved emaciated horse, with bells and trappings, while the poor animal, deprived of food, tottered and groaned beneath the wretchedness of ornament. Such language and advice would not be unseasonable or impertinent, if addressed to an Alexander, or a Charles, since their retrenchments might increase their powers of war, and enable them to diffuse horror with more rapidity. But to a king like ours, who hated war, and loved peace; who participated in the interests, the joys, and the disasters of his people, it must be at once proper and welcome; for what was the true glory of the king of a free people? Sympathy. It was sympathy that made him great and amiable. A king is said to be the head of his people, not because he proudly overlooks his subjects from that eminence to which Providence has exalted him, but because he is the head of the body of his people, from whom they derive, by many communications of canals, and joints, and bands, that life and nourishment which actuate the whole frame.

If the stomach is sick, the head is disordered; it is affected in like manner, by the other disorders of the body. The King, in like manner, sympathises with the great body of his people, he rejoices in their joy; and is sorrowful at their sorrows. Such is our gracious sovereign. But a faction has stepped between him and his people, and prevented that happy sympathy which should prevail between the head and all the inferior members of the body. This faction it is the business

finess of Parliament to quash—to tear the veil that is thereby interposed between the Sovereign and the people; to dispel those clouds that hide the royal countenance from his dutiful and affectionate subjects. And surely no sovereign that ever swayed the British sceptre, had more occasion for œconomy than his present Majesty. He was blessed with a more numerous progeny than any of his royal predecessors; they were the objects of his pride and tenderness; they are also, says the honourable gentleman, the objects of our pride and tenderness, for they are the children of the empire, as well as of the King; and it becomes us all to provide for their future grandeur and respect. The respect, the credit, the dignity of the nation is concern'd in their establishment; and we must not, by irrational extravagance, abandon the fair offspring of Britain, and leave them beggars in the world; the mere fragments of royalty; kings of experiment, to see how far respect would be connected with poverty, and royalty be maintained, when grandeur was lost. It was certain, that let the present war terminate as it may, either now or at a distant period; either in the reduction or the loss of America, we should not be able to maintain a dozen courts in this country. What then must be the consequence of profusion? What but that we shall turn them out bankrupts in fortune, while the parent's heart must be wrung with the melancholy reflection. His Majesty, who was inclined to cultivate the prosperity of his people, must feel the distresses of his people in this threatening ruin; and however he may be prevented by the guilty interposition of counsellors, must be anxious to court tranquility and fame, by complying with the wishes of his people; to restore the communication between the nerves and the brain—that all the emotions of the body may be transmitted through the fine ducts of the former to the latter, and from thence, with heat and moisture, be reconveyed through all the channels of the animal œconomy, preserving the connection that makes them mutually affect, and be affected by each other.

He was very sorry that last year he had been obliged to point out the King of France as a model for our ministers to pursue; and they were greatly to blame for having given bad advice to a prince, whose native goodness would have enabled him, if he had been left to himself, to outrun the King of France, or any other monarch, in the noble race of generosity and love for his people: they were enemies therefore to his honour as well as to his crown, when they refused to recommend

commend frugality in the expenditure of his treaſures. The King of France had found ſufficient reſources in œconomy for the ſupport of an expenſive war; in the firſt year of it no taxes were impoſed—the ſecond year had paſſed over without any new tax; nay, the third year had begun, and no new taxes were laid; he believed the King had not even laid the ordinary war taxes. Thus his people felt the happineſs of having a frugal prince, and a frugal miniſter: for frugality led the monarch to retrench from his own ſplendour rather than from the pittance of the ſubject; and in the abolition of ſix hundred and ſix offices, he has found out a reſource to carry on the war, without laying any additional burthen on his people; he had ſtripped himſelf of the pageantry and foppery of royalty, but he had equipped a navy; he had reduced the number of his ſervants, but he had increaſed that of his ſhips; he had taken from his own perſonal eclat, but he had given to his country a marine, which will immortalize his reign: were Mr. Neckar's plan to proceed no further than it had already done, it had ſtill produced this eſſential advantage to our enemies, that they had ſuſtained the efforts of Great Britain three years without any impoveriſhment, and had now enough to begin the competition of reſources with us, after we had been reduced by almoſt every ſpecies of taxation ingenuity could invent. This was not overlooked by the French King; for Neckar alone had ſtood his ground amidſt all the cabals and intrigues of a court, a ſtranger, and unprotected as he was, while almoſt every other miniſter had in his turn been diſmiſſed. It was not yet true, as related in the newſpapers, that he was diſmiſſed the ſervice. Calumny might attempt perhaps to blacken this excellent ſtateſman in his ſovereign's eyes; but it was impoſſible to blind the diſcernment of that monarch, ſo far as to efface from his memory this honourable truth,—"He has given me a navy, and has not laid a tax upon my ſubjects!"

We want, ſays Mr. Burke, ſome ſuch great miniſter, who like Neckar would ſtrike out new and bold paths, ſuitable to the preſſure of affairs. There is nothing done but on a little, low, fraudulent ſcale, producing temporary ſupplies by retails of misfortune. *Tedet harum formarum.* Theſe are vain and deluſive ſhadows, give him body and ſubſtance—*corpus ſolidum et ſucci plenum.* When the reſources of France were thought to be exhauſted; and every common channel was known to be dried up, down Mr. Neckar dug into the mine of national wealth—he went to the ſpring and fountain-head of

of revenue, and by demolishing the dams and dykes that stopped the current of wealth, he brought into the exchequer the value of six hundred useless places. But it may be said, France must have recourse to burthensome taxes at last—True, but has she not fought with Britain for three years without them? And an exertion of three years may give her a decisive superiority, thro' the extent of the war—it may put her system into such a train, as to give the tone, and determine the complexion of a whole century. It will give more solid and permanent glory to the reign of Lewis XVI. than all the illustrious deeds of Henry IV.

He next supposed himself in a third situation, a creature of the minister, without any attachment to the people on the one hand, or the monarch on the other. If such was his political character, then, as a friend to the noble lord, he would advise and conjure him in sincerity to promote the bill now moved for with all his authority, to adopt it as his own measure, and thereby secure all the credit of it to himself. This the noble lord knew from experience, was easily done, for to the great advantage of his lordship's popularity, he had practised a similar manœuvre on two or three different occasions already. Most of the members of that House could recollect the noble lord's doctrine some years ago, respecting America. The right of taxing that country, he used to assert, was inseparably connected with the very existence of this. He would not hear a single proposition from that side of the House, for relinquishing the claim of taxation; and yet when he thought proper afterwards to do that which was, by his own previous language, a political death-stroke to the country, something like cutting between the right and left ventricles of the heart, when he offered conciliatory propositions to our colonies, the whole credit redounded to his lordship; the moderate men of this country, as they were called, joined his lordship's party, and reprobated the opposition; nay, even in America the minister was said to eclipse his opponents in popularity. In the affair of Ireland, the event had been closely similar, for after his lordship had in fact opposed every extension of the Irish commerce, as long as he could safely do so, he became at length a convert to that side of the House, and behold the minister becomes suddenly popular in Ireland; gold boxes croud to him in abundance from all parts of the country; while he and others who laboured for the right of that kingdom at the expence of their popularity, in this became odious as the factious

tious opponents of this patriotic minister, and were even, as he was told, burnt in effigy.

He therefore recommended to the noble lord, to take his bill into his own hands. Though it would be considered by some as poison, as it came from its original author; yet, after it had been chewed and mumbled by the noble lord, it would be received as very salutary and palatable food. Such was the fascinating nature of power and pre-eminence, and such the ingratitude of man, that any little favour the powerful lord granted, though extorted by compulsion, was received with transport by the crouching slave, who was industrious to find out sinister motives to which to ascribe the actions of common men, however friendly and generous.

He therefore advised him by all means, if he wished for honour and fame, to adopt the plan, and accomplish the reductions proposed. He would establish permanent popularity, and would annihilate the opposition. It had been formerly advanced in favour of the influence, which it was the object of his bill to diminish, "That such a principle was necessary for the support of government; that it was the aim of our constitution to give in influence what was lost in prerogative." He was very willing so far to admit this doctrine, as to allow that no minister would be uniformly supported without some kind of influence; for such was the diversity of human opinion, that no abilities could always convince and guide without some bias in favour of the speaker. But there were different kinds of influence; one kind of influence, for instance, was that derived from superior wisdom and virtue, which never failed to inspire reverence and respect, and by the exercise of which any minister might command support; another kind was derived from the power of distributing honours and emoluments, and this might be employed with equal success in any hands, good or bad. The former of these influences he readily admitted to be necessary to the support of government, but the latter he must ever deny to be either necessary or justifiable; for the influence of wisdom and virtue would always lead to wise and virtuous measures, but that of corruption to corrupt ones. The last was the influence of bribery, and deserved to be called by no other name.

The power of distributing places, pensions, and honours, having been always in the hands of government, by many was confounded with the idea of government itself, and it was thought the one could not subsist without the other, conse-

quently that the power of the ſtate was weakened by a diminution of ſuch inſtruments. They miſtook the emoluments of government for government itſelf, and conſidered it as a mere cabinet, containing a cheſt of drawers filled with ſweet things. To be influenced by an admiration of wiſdom and virtue, was to poſſeſs theſe qualities; but the influence of bribery he conſidered as pernicious to freedom as open force. It was ſaid, that all free countries were corrupted by bribery. When virtue, which was the ſpirit of commonwealths and of all free ſtates, was gone, liberty could not long ſurvive. A few were bought to impoſe ſlavery on their fellow-ſubjects, and the price paid for their ſervices was the only difference between a ſtate poſſeſſing the forms of freedom, and one openly deſpotic. An undue influence, he ſaid, preyed on the very vitals of a conſtitution, and eat up the entrails, while the outward walls remained.

It was as different from real government, as the moſt oppoſite extremes in nature. His ideas of government were moſt eſſentially different. He conſidered government as the exerciſe of all the great qualities of the human mind, with the mother virtues of prudence and providence at their head. To govern, was to be always prepared for peace or war. To govern, was to unite an empire in one bond of obligation and affection; to have but one direction and one purpoſe; to have but one intereſt and one deſire; the direction and purpoſe, the intereſt and deſire of common proſperity. To govern, was to poſſeſs the confidence of the governed, that when the envy or the ambition of an enemy aimed an attack, every heart might agree in delivering the ſword into thoſe hands that had held the olive to their advantage. To govern, was to act in a ſtate of hoſtility, for the intereſt of the empire, and not of the rulers; it was to arouſe the people, by ſharing in their exertions—by propoſing and beginning retrenchment, and ſhewing the uſe of œconomy, by the advantages and ſucceſs of it. This was government in his definition of the thing, and it was the only idea of government that he could poſſibly entertain; and thus government was as different from places, as ſervices were different from ſalaries. It was the nature of influence to produce a ſupine negligence in government. Influence threw government aſleep, and it ſometimes awoke by ſtarts and fits, after it had relaxed the ſteady reigns of virtue, into acts of the greateſt cruelty and ferocity. It led to anarchy and confuſion. By influence and anarchy together, a mortification was always produced, which

was at last cut away by the incisions of the sharp knife of despotic power.

It would be easy to shew, he said, by a detail of particulars, that the spirit of the British government was relaxed—that it was paralytic, undoing to-day what it did yesterday, and totally unable to support its own weight.

The honourable gentleman now came to a conclusion; and said he would not trouble the House with any more reasons for bringing forward the same plan again, which had engaged so much of the time and attention of the last Parliament for so little purpose. He had made no alterations in it, and he begged leave to give it to the House in the humble hope and confidence, that if they meant to give it countenance and attention, they would do so with fairness and candour, and not with insidious respect in its outset, tempt it to a death of slow and lingering torture. He called upon the noble lord in the blue ribbon, who was to be the arbiter of its fate, and begged, that if he meant ultimately to give it a death stroke, that he would save himself and the House much fatigue, and the nation much anxiety and disappointment by strangling it in its birth. Let them try the matter on that day, if it was to be tried. He called upon him to do this, and be at least for one day a decisive minister. He concluded with moving in the words of his motion on the former year, "That leave be given to bring in a bill "for the better regulation of his Majesty's civil establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places; and for applying the monies saved thereby to the public service *."

Sss2 Mr.

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* This bill was exactly the same as brought in last year; an authentic copy of which the reader will find in the last volume of the last session, page 93.

The following is an abstract of a bill, drawn by Mr. Burke, and presented to the House on the last day of last session.

Abstract of a BILL "for the more perfectly uniting to the Crown the Principality of Wales, and the County Palatine of Chester, and for the more commodious administration of justice within the same; as also, for abolishing certain offices now appertaining thereto, for quieting dormant claims, ascertaining and securing tenant rights, and for the sale of all forest lands and other lands, tenements, and hereditaments, held by his Majesty, in right of the said Principality or County

Mr. Duncombe.

Mr. *Duncombe* seconded the motion in a short speech. He complimented Mr. Burke on the very great ability with which he had stated his comprehensive plan to the House, and for his firmness and assiduity which had risen superior to all opposition, and combated every obstacle; the very ample manner in which his honourable friend had opened the bill, he proposed again to introduce to the legislature, had left him nothing

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County Palatine of Chester, and for applying the produce thereof to the public service."

It recites, that the holding the principality of Wales, and the county palatine of Chester, as territories and jurisdiction in many respects distinct from the crown of this kingdom, doth produce unnecessary charge in the administration of justice, and doth also render the revenues thereof of little value to his Majesty or the public.

For the relief of the nation, at this time greatly burthened,

The bill therefore enacts, that the principality of Wales, and county palatine of Chester, with all powers, privileges, and authorities thereunto belonging, be for ever united to the crown of Great Britain, and be wholly extinguished and merged therein by unity of possession.

And that it shall not be lawful for his Majesty, by any grant or charter, hereafter to separate the same.

It enacts also, that after a time by the bill to be limited, all offices and employments which relate to the separate jurisdiction, or to the land revenues, or other separate revenues, the said principality of Wales, or palatine of Chester, shall be abolished.

That nothing contained in the act shall extend to alter any powers or rights, which the justices of the great sessions, petty sessions, or officers thereof, at present lawfully hold within the said principality, or which the chamberlain of Chester, chief justice or other justice of Chester, or their officers, do execute, with regard to any jurisdiction in law or equity; or to take away the powers of any lord lieutenant, deputy lieutenant, custos rotulorum, clerk of the peace, justice of the peace, sheriff or coroner; or to affect the liberties or franchises thereof; but the same to be hereafter held under his Majesty, and not otherwise.

With a proviso, that if any persons having office by patent or otherwise, for life, or good behaviour, which by this act is taken away, on proof of their title to the same, shall be entitled to annuities, to the amount of the yearly profits of the same, upon the certificate of the lord chancellor, that their right thereto hath been proved; the certificate to be produced at the exchequer, to entitle them to the payment thereof.

That nothing therein shall extend to take away any matter ecclesiastical, which hath obtained by statute or usage, or to affect any college, collegiate school, church, hospital, or any foundation whatsoever; but

nothing more to do than second the motion, which he did with the greatest pleasure, and the most heartfelt satisfaction *; being convinced, that it was an object, to the completion of which the very respectable part of the constituent body of the nation, by whom he was delegated, looked forward with anxious expectation; they had expressed their wishes on the subject in terms the most plain and unequivocal.

Lord

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but the same shall be held, in all respects, under his Majesty, as it hath been formerly.

It enacts also, that nothing therein shall extend to any stile, or titles of dignity, now used, or hereafter to be granted by his Majesty, to the Prince of Wales, or the heir apparent or presumptive of the crown, or any other of the royal family, but shall remain according to the ancient usage.

And for the more œconomical administration of justice in the said territories hereby united to the crown, it enacts, that after a limited time there shall be for Wales, and the palatine of Chester, for holding courts of great session or commissions of assize, *nisi prius*, oyer and terminer, or general gaol delivery, one chief justice, and one other justice, hereby authorized to hold such courts in Carnarvon, Merioneth, and Anglesea, and in the counties of Flint, Denbigh, and Montgomery; and two other justices of the great session, and no more, for the other counties of Wales, the said justices being the two senior justices now holding the said office.

It also enacts, that the appointments shall hereafter be in the lord chancellor or lord keeper for the time being; and no new justice to be appointed until the decease of those who at present occupy the said offices, or resignation or removal.

That the chief justice of Chester, or other justices, shall not be obliged on their circuit to continue the sitting of the session in any town or place longer than to them shall appear convenient;---the said justices, or any person receiving an annuity in lieu thereof, to be incapable of sitting in Parliament.

It enacts, that after the passing of the act, all honours, manors, castles, lands, &c. with their rights, members, and appurtenances, and which are now vested in his Majesty, or shall be granted and set over unto   (in whose seisin and possession the same premises are hereby declared to be) their heirs and assigns, to hold the same, and every part thereof, unto the said   their heirs and assigns, for ever, upon trust, to sell and dispose of the same in the manner hereinafter expressed.

It therefore enacts, that the said trustees, and the survivor of them, or any   or more of them, shall execute, to every person, bodies corporate and politic, their heirs, successors, and assigns, who shall become purchasers of such conveyances as the purchasers, their

heirs,

Lord North. Lord *North* said, as the honourable gentleman on the other side of the House, had called upon him to declare his opinion of his proposed bill, and to inform the House what conduct he meant to pursue, with respect to it, he would very candidly declare, that his opinion on the subject was not at all altered from that he entertained the last year, and that though he did not disapprove of the plan *in toto*, yet the parts which appeared

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heirs and assigns, shall reasonably require such conveyances to be valid to the parties against the present or any future Prince of Wales, or Earl of Chester, notwithstanding any misnaming, misrecital, or other error whatsoever.

That the commissioners, or any of them, before they proceed to the sale of the lands, shall cause a search to be made in the rolls, files, or other records, kept in the exchequer of Wales, the office of surveyor thereof, the office of the chamberlain of the county palatine of Chester, or in any other office of receipt of Chester; as also in the office of the surveyor general of his Majesty's land revenue; and shall from thence cause a schedule to be made of all lands, tenements, rents, forests, and other hereditaments, now in the seisin of his Majesty; distinguishing the estates and interests of the several tenants with their rents and fines for twenty years past, as well as the counties, hundreds, and wapentakes, or forests, in which they lie, and the said schedule shall be delivered to the secretary of the commission to be appointed by this act, together with a reference on each article to the record, by which the said lands appear to be within the time aforesaid in the seisin of his present or late Majesty, or to have paid rent or fine to the king, as of the said principality or county palatine.

That all persons claiming an interest in the said lands, may have recourse to the said schedule, and inspect and make a copy of any part thereof, on paying a fee to be stated by the bill.

And for the more effectually quieting possession, and for prevention of suits and quarrels, it enacts, that no manor, lands, tenements, advowsons excepted, shall be sold by the commissioners, unless the same have been in the actual seisin of the late or present King, or have been put in charge and answered to his Majesty, by reason of the said principality or county palatine, within twenty years past.

It also enacts, that all persons who hold either by themselves or from their ancestors, and all who claim by, or under them, any honours, manors, lands, &c. within the said principality, or county palatine, and who have not paid or been charged within the term aforesaid, shall, according to their several estates and interests, hereafter quietly hold the same against his Majesty, and against any Prince of Wales, or Earl of Chester, or any persons who claim under his Majesty in right of the same, by grant or lease, commenced within twenty years.

And in order to prevent the disturbance of tenants in possession of any lands in this act directed to be sold, it enacts, that the commissioners

appeared to him to be proper to be adopted, bore so small a comparison with the whole of the very comprehensive scheme, that he should be obliged to oppose it, in some future stage of the bill: his lordship said, he did not think it would be decent or candid for him, upon his own private opinion, to set his face against the bill in its first stage, by opposing its introduction, since there were many new members in the House,

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sioners by this act appointed shall give a preference to the tenants in possession, in the purchase of any reversion, rent, fine, or acknowledgment, payable to his Majesty in right of his said principality or county palatine; and that the said commissioners, or any of them, are authorized to agree with the said tenant, on such terms that the said tenant purchasing the premises may have a profit of five per cent. in the purchase thereof, taken upon the rate of the present rent charge to his Majesty, and the value of the accustomed fine on any renewal of leases: provided, that if the said tenant doth not pay one fourth part of the purchase money at the time of making the agreement, and one other fourth part on sealing his conveyance, and give such security as by the said commissioners shall be approved, for paying the residue within one year, the said sale to be void, and if any of the said tenants refuse to purchase, and pay as aforesaid, the said estate shall be set up to sale, and sold to the highest bidder, paying and giving security as aforesaid: and that no conveyance shall be conclusively made, until the bargain be approved by the lords of the treasury.

And for the more profitable disposition of the forest lands, it enacts, That the said commissioners shall cause a survey to be made, distinguishing in the several parts thereof the timber, wood, and underwood; an entry whereof to be made in the observations on the said survey, and to be returned to the commissioners; distinguishing also the quality of the soil, and the mines, if there be any, or the probability of minerals to be found, to the best of their skill.

It likewise enacts, that after the said survey is compleated, the commissioners shall hear and adjudge the rights of all persons claiming common of pasture, agistment, pannage, turbary, or any other common of pasture in the said forests; and, upon an examination of the value of their several rights, estimated on the profits of the number of cattle which have been usually kept thereon, or other profits by right of common, convenient portions of land shall be set out according to the value of their several rights.

And, for the better encouragement to the said inclosure, and to prevent partiality, or inconvenient introduction of strangers, it enacts, that it shall be lawful for the said commissioners, to offer the preference of the residue of the said forest lands to those persons who hold in law or in equity, lands of inheritance within the said forests, according to the value of the land held by each person; and the commissioners shall cause the said lands to be divided into convenient portions, according

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House, who, though they might have a general knowledge on the subject, could not be properly informed upon it, to determine what line of conduct to pursue, until the first reading of the bill, when he presumed the honourable gentleman would move the House to order it to be printed, by which means the members would be put in possession of all the necessary information, and that then it would become his lordship's

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to their several interests, and the same to be valued at the profit of five per cent. to the purchasers, with a proviso, that if any of the borderers shall refuse to purchase on the same terms, the portion of him or her refusing, shall be offered to the person whose estate lies next to the said portion, and thus, until all have refused; and if all shall refuse to become purchasers, the land to be set up to the highest bidder.

That if any person or persons entitled to a portion of land in compensation for right of common, be minded to sell the same, in two years after the allotment aforesaid, he shall give the preference to the borderers, in manner aforesaid, before he shall contract with any stranger, otherwise the sale to be void.

That if any mines shall be discovered within any of the said forest lands, the same to be considered as the property of the several proprietors of the land in which the same are found, subject only to the provisions of the 1st and 5th of King William.

It further enacts, that no persons, except those already entitled by lease or grant from his Majesty, shall enter into any mine, in any of the forests by this act directed to be sold, or within the said principality and county palatine, without the consent of the proprietor of the said lands.

That if any person enjoying a lease of which the reversion is in his Majesty, for searching and working of mines, upon any lands, other than those in their own proper seisin, the said reversion shall be offered, at the rate appointed for the sale of lands by this act directed, to the holders of lands severally over which the said rights extend; and in case the said proprietors should refuse to purchase the same, the said rights to be offered to the lessees or grantees of the particular estate, and in case of refusal, to be set up to sale to the highest bidder.

The commissioners to reserve from sale, any portion of land, not exceeding two hundred acres in each allotment, where it may seem most convenient for the building of a town or village, and to put the same into town lots, and to grant the same in fee, on security given for the building of houses and cottages thereon.

It also enacts, That when any part of the said forests is waste, and not within any parish, or where the parish may be deemed by them too large, the commissioners may allot and set apart from sale any portion of land, not exceeding two hundred acres in any one portion; to be an endowment for building a church to be let for the said purpose, for such

ship's duty to suggest such objections and observations, to the House as might occur to him.

The House resolved, That leave be given to bring in the bill on the 19th instant.

February 16.

In a committee of supply on the motion of Sir Richard Sutton, came to the following resolutions: that 13,452l. be granted as a compensation to the trustees for putting in execution an act of last sessions for vesting lands for the security of

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such term, as to their discretion shall seem meet; the rents to be in the bishop of the diocese, to hold the same in trust, that the same be applied towards the building of the said church, whenever fifty householders in the neighbourhood shall certify that a church is wanting.

That when the church shall be built, it shall be lawful for the bishop of the diocese, to settle the bounds of each church district, which, after such appointment, shall be declared a parish, with a proviso, if it shall be proved to the satisfaction of the commissioners, that any impropriator shall by such disposition be proved to suffer any detriment by such distribution, he shall be compensated, according to his loss, from the fund arising from the sale of the forest lands.

That the collation to the said parishes, shall be in the bishop, and his successors; and when the bishop shall collate to the said new church, the allotted lands shall be divested from the bishop, and vested in the rector, and to be in full of tythe.

And, for the more speedy collection of the arrears of rents, and duties, payable to his Majesty, in right of the said principality or county palatine, and for the relief of those indebted to his Majesty, it further enacts, that it shall be lawful for the commissioners, at their discretion, on examining the parties, to compound the same; and if it shall appear necessary on prompt payment, or security given for payment within one year, which security they are authorized to take, and compel payment by process out of the exchequer, as debts due to the crown; and the barons of the exchequer are required to issue the process.

That upon payment of the money into the exchequer, the debtors shall stand discharged of their original debts.

It further enacts, That all sums of money produced by sale of any lands, or hereditaments aforesaid, or by the payment or composition of any debts, be made part of the sinking fund.

And that all records relative to the principality of Wales, or palatine of Chester, by this act united to the crown, shall be delivered to the keeper of records in the tower, rolls chapel, or exchequer, there to be kept with true catalogues of the principal heads thereof.

of docks, ſtores, and ſhipping, at Plymouth and Sheerneſs, and for defending Tilbury Fort.

And 20,671l. for the like purpoſe at Chatham.

Mr. T. Townſhend. Mr. *T. Townſhend* complained of the manner in which the motion was expreſſed, and ſaid it was unuſual: the honourable baronet had moved for a ſpecific ſum; whereas it was cuſtomary to move in the committee of ſupply for a ſum not exceeding a given ſum. And he thought, that in compliance with an eſtabliſhed cuſtom, theſe two words "not exceeding," ſhould be inſerted in the motion.

Hon. Mr. Marſham. The honourable Mr. *Marſham* obſerved, that the public had been obliged to give five and thirty years purchaſe for them; he wiſhed therefore to know whether the value had been determined by a jury, or whether the ſums now moved for, were in conſequence of a bargain made by the treaſury, without the intervention of a jury.

Sir Richard Sutton. Sir *Richard Sutton* ſaid, the ſums he had moved for, were in conſequence of a verdict, a jury having ſat upon each eſtimate: as to the omiſſion of the words "not exceeding," it was by no means material; and if the honourable gentleman would rather have them inſerted than left out, he had not the leaſt objection to gratify him: his only reaſon for leaving them out, was, that as the ſums had been ſpecifically allowed by the juries, he thought it unneceſſary to qualify his motion, and had therefore moved for the ſpecific ſums ſo allowed.

Agreed to. Adjourned to the 19th.

February 19.

Rt. hon. T. Townſhend. Right hon. *T. Townſhend* ſtated to the Houſe that Mr. Roberts, who was ordered to be taken into the cuſtody of the ſerjeant at arms, was now in town, and from the circumſtance of his ſituation it was evident that his abſence from the Houſe, on the day of the call, was the effect of indiſpoſition; he had been influenced by no private or perſonal motives in ſeconding the motion for taking him into cuſtody; and he therefore begged leave to move, "That he ſhould be diſcharged from the cuſtody of the ſerjeant at arms."

Ordered.

Mr. Roberts. Mr. *Roberts* then came to his ſeat, and in a ſhort ſpeech expreſſed his gratitude of thanks to the Houſe for their indulgence and lenity, and aſſured them it was not contempt or negligence that had made him diſobey the call of the Houſe: he was confined by illneſs, and was actually found in bed by the meſſenger of the Houſe, and it was his misfortune that

his

his colleague was alſo unwell, ſo that neither of them could appear in their places, to apologize for each other.

Mr. *Burke* now brought in his bill, intitled, An act "for the better regulation of his Majeſty's civil eſtabliſhments, and of certain public offices, for the limitation of penſions, and the ſuppreſſion of ſundry, uſeleſs, expenſive, and inconvenient places; and for applying the monies ſaved thereby to the public ſervice." It was read a firſt time, and ordered to be printed, and Mr. Burke moved that it ſhould be read for the ſecond time on Thurſday next. Mr. *Burke*.

Earl *Nugent* roſe, and objected to its being read on that day. It was too early for ſo important a purpoſe. There were many young members who could not be conceived to be in poſſeſſion of the plan, large and comprehenſive as it was, and who could not make themſelves maſters of it in ſo ſhort a time. Gentlemen would conſider that there was not one day before Thurſday on which they could read it with the attention which it deſerved, ſince it could not be printed before Wedneſday morning, and Wedneſday was the Faſt Day. He was one of thoſe who thought, like the noble lord in the blue ribbon, that there was a great deal in the bill which Parliament ought not to adopt, and ſomething which perhaps upon conſideration they might find to be proper and wiſe; it comprehended various innovations unprecedented in our conſtitution, and which merited the moſt mature deliberation. Many weighty arguments had been urged againſt it laſt year, and principally this, that it tended to violate the ſacred rights of property. Yet he would freely acknowledge that ſeveral clauſes of the bill met his hearty conſent, for that man muſt be abſurd or profligate who would deny that œconomy was neceſſary, or that corrupt influence ought to be ſupported; he was of opinion however that the contractors bill would anſwer almoſt every purpoſe which the bill was intended or calculated to effect. He concluded with moving an amendment, by inſerting the words "Monday, the 26th," inſtead of "Thurſday, the 22d." Earl *Nugent*.

Mr. *Burke* ridiculed the idea of the Houſe being unacquainted with the principle or the tenor of his bill. There was not a member in the Houſe, new or old, who did not know its nature and tendency at this moment as well as they could poſſibly do if the reading of it again was put off for months. The principle was known; and as to the other objection of the noble lord, that ſome of its proviſions were fit, and ſome the contrary, he would not be ſo diſorderly as Mr. *Burke*.

to follow the noble lord into that consideration; that would come in proper time, when the bill was in the committee The noble lord's reasons for putting it off then in this respect would be just as applicable at any other time, and for any further and continued delay, as they were now. One reason which the noble lord had assigned was peculiar, and adapted to the occasion. Wednesday was a fast-day---so much the better---it will bring along with it leisure and relaxation to the noble lord and others, now indefatigable in their attendance, and there could not be an object more proper for their employment, on a day of fasting and humilation, than the bill upon the table. It would bring into their view the measures and the misfortunes for which the day of fasting and prayer had been appointed, as well as their remedy, it would shew them the pride and the influence that had reduced us to our dangerous and necessitous condition---the insolence that had concluded in supplication---the tyranny that had brought us to concession: it would recall to their memories the oppressions and the weaknesses, the cruelties and the crimes of the state, and their contrition would be strengthened by the proofs of its necessity; here they would see prodigality producing poverty; corruption, slavery; ambition, ruinous war; tyranny and oppression, resistance and revolt; and as the day was a day of fasting, that bill would serve them in the place of a dinner. Instead of the grace, they should have the preamble. The board of works would be one dish, and the board of trade be another. The noble lord would also find the humiliation that was befitting the day in that bill. He would find provisions thereof, sufficiently humiliating to those who sat upon the bench which he occupied in that House. In short, he would find the best employment for a day of fasting, prayer, and humiliation in a bill calculated to abolish places, pensions, and sinecures, and retrench the extravagance of government. But he believed it was not on account of fasting, but of feasting, that the bill was to be delayed. It was not because Wednesday was the fast-day, but because Thursday was the benefit-day of Mr. Vestris, the French dancer. This was the true reason. It would be shameful to think of their constituents, or to think of their country, when Vestris was to dance. It would be dreadful to set about retrenchment and œconomy, when Vestris had advertised for a benefit. What was the salvation of the state compared to the interest of Vestris! "In the piping times of peace," he said, he would dance as willingly as any of them; he was fond of pleasure, in a season of joy:

joy: but now his mind was occupied by more melancholy considerations than dancing. But to a great part of that House, a dance was a much more important object than a war; and the opera house must be maintained, whatever comes of the country. For his own part, he was no enemy to merit of any kind, either of the heels or of the head; and he formed no design against Vestris, by moving for the second reading of his bill on the day of his benefit; but the treasury bench had taken care of that interest which he had forgot. He promised the noble lord then, that if he would procure his bill to pass, and the reform to take place, he would have no objection to make up to Vestris what he might suffer, by giving him the profits of one of the places to be abolished. The honourable gentleman concluded with a serious appeal to the House against that abominable spirit of levity which thus drove them from business of national importance for the entertainments of a theatre. And considering it as an insult on the grave dignity of Parliament, to delay the consideration of the bill on such a pretext, he would abide by his motion, and divide the House.

The House divided on the amendment, and the numbers were, ayes 89, noes 77.

So that the second reading was appointed for the 26th.

Sir *Philip Jennings Clerke* gave notice, that he would move for leave to bring in the contractors bill on the first open day; and being asked what day that was, he answered on Thursday next. This produced a loud and universal laugh, "Poor Vestris" was echoed from every corner of the House. Sir Philip Jennings Clerke.

Mr. *Minchin* now rose and called the attention of the House to a motion, "for an account of the number of ships, of the line, frigates and fireships, under the command of Vice-Admiral Darby, on Friday the first, and Wednesday the sixth day of December last, distinguishing their rates." He said, he conceived there would be no objection to the motion, as it only tended to give a piece of common information to the House; but if he was called upon to explain his motives, he would do so. Mr. Minchin.

Lord *North* said, that such a motion was very far from being a motion of course; it was not usual to make such a motion without specifying the reasons for which it was made; and he wished to know if the honourable gentleman intended to follow up his motion with any other consequence. Ld. North.

Mr. *Minchin* very freely owned that he wished to discover the truth of a rumour which had gone abroad, that Admiral Darby Mr. Minchin.

Darby had not gone down to look at the enemy on the days mentioned in the motion; it was said that he had it in his power to have brought the enemy to action, but that instead of doing so, he came into the Channel to avoid them. Conduct which had raised very alarming dissatisfaction in the navy, and which, if true, was most injurious to its reputation He did not mean, by this motion, to arraign the admiral; he wished only to ascertain the guilt where it lay---It obviously rested somewhere; either with the admiralty or the admiral. It was said, that he had with him only seventeen ships of the line, if so, it was scandalous inattention in the board of admiralty; but he wished not to decide, he wanted now the necessary information by which a regular enquiry and judgment might be formed.

Ld. North. Lord *North* said he must object to the motion, for this plain reason, that such an enquiry could not be gone into with fairness or candour, in the absence of Admiral Darby, and of the officers of the fleet: their absence from the service could not be dispensed with: and at any rate the object was unfit for parliamentary discussion; since no enquiry could terminate in the conclusions asserted by the honourable gentlemen; for supposing the number of ships should be proved to be no more on these days than seventeen, no blame could be ascribed to the admiralty; they might have separated at sea; some might have been sent into port for special reasons: and as it would be impossible to lay before the House all the grounds on which either the admiralty or the admiral had acted, it would be exceedingly unfair to bring on the proposed investigation.

Mr. Bamber Gascoigne. Mr. *Bamber Gascoigne* acquainted the House, that Admiral Darby had informed him, that he had only been within sight of the French fleet at one time, and that so late in the day that he could not examine their force, and therefore he thought it imprudent and unwise to carry his fleet down among them at night.

Mr. Fox. Mr. *Fox* said, he was astonished that an objection should be made to the motion, on the ground of its being improper to institute such an inquiry on the subject. The tendency of the motion was exceedingly proper for discussion, since nothing could be so important as the honour and the reputation of the British navy. The 27th of July had been called a day of dishonour: he admitted that it was disgraceful; but the first week of December was infinitely more so. It was the first time that a British fleet had consulted their

security

ſecurity by flight, without even making a ſhew of reſiſtance or attack, as to count their numbers. It was proper to inſtitute ſuch an inquiry, but the preſent motion did not do it, and therefore this motion could not be objected to, becauſe Admiral Darby was abſent. It would be improper to begin the inquiry when he was not preſent, but that would not be done. Sufficient time would be given for his attendance, if an inquiry was gone into. As to what the honourable gentleman had heard from Admiral Darby himſelf, it was impoſſible that the Houſe could take cognizance of the relations of private friendſhip. Admiral Darby had been in the Houſe when this buſineſs was mentioned firſt, and had not ſaid any thing on the ſubject. He ſaid, that there was no impeachment of Admiral Darby in the motion; no blame attributed to him. It was only to aſcertain in the firſt place, if there was any blame; and in the ſecond place, to lay it to the proper quarter. He did not know, but he believed that the admiralty were in fault in not providing a force adequate to the occaſion. He made ſome ingenious comments on the verſatility of Governor Johnſtone, and ſaid, that he had not gone a hundred miles after his laſt panegyric on the firſt lord of the admiralty, before he had found reaſon to change it into a Philippic.

Mr. *Dundas*, Lord Advocate, objected to the motion, as a very improper and unfit thing to be done; both for the reaſon aſſigned by the noble lord; the abſence of the party; for he could not divide the object from the motion; and alſo becauſe he thought, that in a time of war, there were many incidents and circumſtances in the navy which he did not think the Houſe of Commons ought to inquire into. When he appealed to the omnipotence of Parliament, he always had in his mind their wiſdom and their policy; and it was by theſe qualities that he conſidered what objects were fit for them to conſider, and what were the contrary. He conſidered the preſent as one of the latter deſcription, ſince it tended to give information to the enemy of the extent of our force at that time. The inquiry would be unfair alſo, becauſe the witneſſes, as well as the parties, were abſent; they were employed in the ſervice of their country, and they could not be called from that ſervice to attend that Houſe without material injury to the country. The proper time for ſuch diſcuſſions, was when peace gave them time and leiſure for trials; at preſent, our trials ought to be with the enemy. Mr. Dundas.

Mr.

Mr. T. Townshend. 'Mr. T. *Townshend* disapproved of these reasons and in particular scouted the ridiculous idea of giving improper communications to the enemy. He said, that Parliament were not to be told that it was improper for them to inquire into whatever incidents or conduct might arise in the several services and departments of government, and this check was their constitutional security for the faithful discharge of public service. He said, that on the present occasion he might be permitted to make use of a term used by the honourable gentleman who had spoken on the other side of the way [Mr. Gascoigne]; he might say, that the British fleet had skulked away from the enemy in December last, and was it not therefore a most serious object of parliamentary inquiry?

Mr. Holdsworth. Mr. *Holdsworth* gave a relation of some particulars of the two fleets being within sight of each other; but that the only time when Admiral Darby saw them, the enemy were so much to windward, that he could not force them to action, nor even come up to count their numbers. He was also so short of provisions, that he could not continue at sea to pursue them. When he came into port, he had only two days provisions on board; but notwithstanding all this, he thought the motion was proper.

Admiral Keppel. Admiral *Keppel* delivered his opinion in a stile of the utmost fairness and candour. He said, that Admiral Darby was not, and ought not to be censured in the motion. The House knew nothing of the transaction. They knew there was no engagement, and they heard that Admiral Darby did not go down to look at the enemy. This was the fault on the face of the story, and it was exceedingly proper to enquire into the fact; but Admiral Darby had said, that when he was in sight of the enemy, it was so late in the afternoon that he could not examine their force, and consequently could not be justified in going down during the night to give them battle. Nothing could be more plain than this truth; for whether the enemy was stronger or weaker than himself, it would not have been wise to have gone down and give them battle in the night. All that he could do in that situation, was to prepare and contrive to bring them to an engagement in the morning. The inquiry proposed was therefore necessary to the honour of Admiral Darby, and as his friend he would court and desire it: he said so, as a friend of Admiral Darby. He had the honour of his acquaintance, and he knew him to be a man of integrity and honour. His acquaintance with him was on the footing of private friendship

ſhip; he did not know the extent of his talents as a ſeaman, and a commander. As to what the honourable gentleman, on the other ſide of the way [Mr. Bamber Gaſcoigne] had ſaid of the private communications of the admiral, he thought they were improper to be delivered to that Houſe. If he were inclined, he had it in his power to relate what he had heard in the confidence of friendſhip; but he conſidered it not only as improper but inapplicable; it was not the excuſe, or the defence, or the guilt, that was now wanted, but the groundwork of the inquiry. It was ſaid, that the Britiſh fleet had not looked at the enemy. This was the fault; for though the fleet was inferior, and though it only conſiſted of ſeventeen ſhips, yet they were coppered, and coppered ſhips could look at any thing. The honourable admiral ſaid, that he had adviſed the firſt lord of the admiralty to copper all the ſhips in the navy: he had nothing to impute to the noble lord on this account; he would give him credit for what he had done in this reſpect, though he had not done it in the moſt handſome way. The meaſure was adopted about ſix months after he had quitted the command, and the good effects had been already felt; for during the laſt ſummer, the fleet had been out a very long time, much too long, in his opinion, for the occaſion, and they had wanted no repairs, nor docking when they came into port. He laughed at the idea of giving improper communications to the enemy, by the motion on the table; it was abſurd and childiſh to think that they were unacquainted with the number of ſhips under Admiral Darby on thoſe days. He was very ready to agree with the Houſe, that he conſidered the 27th of July as a day of diſgrace, it had always been ſo in his opinion; but it was the conſolation of his life, that the calamities of that day were not to be imputed to him.

Sir *Grey Cooper* conſidered the motion as extremely improper, not becauſe it aſked an account of the number and force of the ſhips under the command of Admiral Darby in December laſt, but becauſe it led to an examination and inquiry, which, if purſued, would be attended with the moſt pernicious conſequences. The Houſe ſhould conſider that the witneſſes, who were capable of giving information on ſuch an inquiry, were the captains and other principal officers now engaged in actual ſervice. Were the gentlemen prepared to ſay, that the propoſed inquiry was of conſequence ſufficient, or would produce beneficial effects that would balance the evils to be apprehended from the inactivity of our fleets during the inquiry? He truſted nobody Sir *Grey Cooper*.

would say this; and this consideration, added to those already urged in debate, would, he trusted, induce the House to reject the motion.

Sir *John* Delaval.

Sir *John Delaval* said, he had no intention of entering into the debate on the present motion, till he heard the learned gentleman [the Lord Advocate] lay down doctrines which appeared to him very extraordinary to be heard and suffered in that House; he heard the right of the representatives of the people disputed to inquire into the conduct of any officer, or into such measures of the war-ministers as were materially connected with the general interest and welfare of the kingdom, and that the House, notwithstanding its omnipotence, was not intitled to discuss points relating to the naval service, during the continuance of a war. He could not sit to hear such extraordinary, such unconstitutional doctrines, without rising to ask an explanation, he hoped the learned gentleman would retract them, as he could not conceive that he meant seriously to support them in argument.

The *Lord Advocate*.

The *Lord Advocate* said, he thought it due to any gentleman who had paid an attention to his argument, to satisfy whatever doubt might have arisen upon it; he felt himself perfectly disposed to support the argument he had used, which was not to dispute the right, or rather the omnipotence of Parliament, to enquire into what they thought proper, but to dispute the wisdom and the political expediency of interfering with, and instituting enquiries on, every operation of the war which might appear and be improper, from partial and imperfect views, detached from the immediate sources of information, and unconnected with the general plan of operations, which must be confined as much as possible to the breast of those who were to direct those operations, if they were to be attended with any prospect of success.

Sir *John* Delaval.

Sir *John Delaval* thought the opinion now stated by the learned gentleman, was free from those strong objections which had struck him when he spoke before. If no other gentleman had felt the former argument as he had done, he was content to suppose he had mistaken it.

Gen. *Smith*.

General *Smith* rose to say, that he had understood the former argument exactly as the last gentleman had done, and that he should have thought it his duty to have asked an explanation, if the honourable baronet had not done it.

Colonel *Hartley*.

Colonel *Hartley* supported some of the former arguments for the propriety and the necessity of the motion.

The Speaker now put the question, when there appeared, For the motion 63; Against it 97.

Report

Report was made from the committee on the Helstone election in favour of Mr. Yorke and Mr. Deane.

In a committee of supply, came to the following resolutions, viz.

That the sum of 15,587l. 17s. be paid to Duncan Campbell for maintaining the convicts.

22,222l. be made good monies issued by addresses.

57,910l. 10s. to the American refugees.

30,999l. 11s. 2d. towards making good the deficiency on the 5th of July 1780, to paying annuities granted in 1777.

191,664l. 7s. 2d. to make good the same granted for 1778.

193,663l. 0s. 1¾d. to make good the same for 1779.

202,745l 4s. 6d. to make good the same for 1780.

That a provision be made for the pay and cloathing of the militia when absent from home.

Adjourned.

February 20.

Mr. *Ord* reported the resolutions of the committee of supply, and a short debate arose on some of the articles.

Sir *Philip Jennings Clerke*, objected to the sum of 57,910l. 12s. voted for the American sufferers. He desired to know the appropriation of this sum, and whether there was any account of the manner of its application laid before the House? He conceived, that there was great and unnecessary profusion; and he made the enquiry, because he knew that if some of the American sufferers had their real deserts, they would have halters instead of pensions; it was owing to the false information which ministers received from such kind of gentry, that half our calamities had arisen. He understood, that if any of these pretended sufferers came and told such tales as pleased the ears of ministers, they obtained just what pensions they chose to ask for, and that the public money was thus thrown away, not only with profusion and negligence, but to feed a set of vipers, who were gnawing the very entrails of Great Britain, and spilling her best blood. He declared, that he was well informed one of these Americans, whose place in America brought him in only 400l. a year currency, now received 500l. sterling, as a pension from government, and he appealed to the House, whether any man ought to receive more for being perfectly idle and for having nothing to do, than when he was in actual employ, and had his hands full of business? Sir *Philip Jennings Clerke.*

Lord *North*, in answer to the honourable baronet, said, that no one American sufferer received from government so much Ld. *North.*

as his office in America was worth to him, nor any thing like it. Perhaps the person alluded to had forfeited a large estate for his loyalty and attachment to his sovereign, and had a numerous family to maintain, the principal sufferers had not been in the service of government, and some who had small salaries, had lost capital fortunes; those considerations, added to his loss of a place of 400l. a year, might have weighed, as he thought they ought to have weighed, with government, and induced them to give him a larger pension, than he would otherwise have had. His lordship said, the pension granted to each sufferer must be governed by the particular circumstances of the case; for what would be to one man a tolerable compensation and a decent maintenance, would not meet the distress of another, or enable him even to support his family. This rule was attended to, but he could take upon him most confidently to assert, that no person who held an office in America, and had been forced to fly to Great Britain for refuge, received any thing like the amount of his official salary, nor did he believe, if the honourable gentleman enquired further, he would find that he had been rightly informed.

Sir Philip said, a friend called on him, and breakfasted with him a day or two ago, and told him the story, and named the person. He could not at that moment recollect the name, but he would undertake to lay it on the table on Thursday.

Lord North jocularly said, "If the person is produced, and the case regularly proved, I will take care that he shall fast."

Sir G. Yonge. Sir *George Yonge* rose, upon hearing the resolution for 15,487l. 17s. to be paid to Duncan Campbell, for the care of the convicts, and asked when that expence was to cease? declaring that it astonished him, that the crimes and vices of individuals should make so large a part of the national burthen.

Sir Grey Cooper. Sir *Grey Cooper* said, the expence had increased principally by the increase of the numbers, and also by the appointment of a chaplain, such a step having been recommended to the secretary of state, and by some other unavoidable incidents. He lamented the amount of the whole, as much as the honourable baronet, and heartily wished some other means were found that would cost the nation less; till such means were pointed out and adopted, the expence, great as it was, must be defrayed.

Sir G. Yonge. Sir *George Yonge*, who understood that Sir Grey said a chapel had been built, considered it as a proof that the present mode

mode of disposing of the convicts was intended to be continued; to which he objected very strongly: if no other consequence was to result from the commission of crimes than that of being maintained at a large expence by the public, he did not wonder that the number of convicts increased. No country in Europe sustained an expence of this nature; he understood that a plan had been proposed that the labour of the convicts should at least maintain themselves, which they might certainly do if they were properly employed, and the business œconomically conducted.

Sir *Grey Cooper* explained the mistake in the word chaplain, and said, that when any practicable plan of maintaining the convicts without expence could be proposed, nobody could possibly have any objections to it. Sir Grey Cooper.

Mr. *Byng* ironically observed, upon the whole of the resolutions, that any objection was as unnecessary as it would certainly be useless. The committee had doubtless considered the matter very properly, as five or six gentlemen attended; and with regard to the report, it was a very common observation, that the noise and inattention in the House arose in proportion to the largeness of the sums voted. Mr. Byng.

Mr. *Hussey* stated to the House, the sums that had from year to year been gone through, said, that he had omitted to take notice of the deficiencies of the taxes, from the estimates at which they were taken, on the separate funds voted to supply those deficiencies, in order to collect the whole into one sum, which he found to amount for the last year to six hundred and eight thousand pounds; above thirty thousand pounds was also charged for the remaining deficiencies of former years. These deficiencies appeared to him of a very alarming nature, as they indicated a great failure in the resources of the kingdom, and the negligent manner in which they were suffered to remain from year to year, was an anticipation of the Sinking Fund, and struck at the foundation of the national credit. The house-tax in particular had failed, and been suffered to remain without any means being used to supply the deficiency, and that other taxes were nearly in the same predicament. Mr. Hussey.

Lord *North* acknowledged, that some of the late taxes had failed, and that was the purport of the present resolutions: they were, upon the report of resolutions voted by the committee of supply, for the very purpose of making good the deficiencies of the late taxes, which had been taken out of the sinking fund. He reminded the honourable gentleman, that Ld. North.

no

no deficiencies of unproductive taxes were taken out of the ſinking fund, but of ſuch taxes, as a ſecurity for which the ſinking fund was pledged, and that every year the ſums ſo taken, were replaced by ſuch votes as there were then before the Houſe. His lordſhip alſo ſtated, that the taxes which were unproductive in 1779, had been leſs unproductive laſt year. The houſe-tax and others had yielded one hundred and forty thouſand pounds more for 1780, than it had done for the year preceding.

The report was agreed to.

Mr. Fox. Mr. *Fox* objected to the bringing up the report on the mutiny bill: he wiſhed to have ſpoken upon the ſubject, and ſhould have been glad to have had it re-committed, but in ſo thin a houſe he could not pretend to agitate a matter of ſo much importance. The mutiny bill, as it paſſed the committee, he underſtood, had alterations in it, which directly overturned the conſtitution of this country, and gave up all right to ſupremacy over Ireland. He hoped therefore the right honourable ſecretary at war would not preſs the bringing up the report then, but would adjourn it to the next open day, that the ſubject might be properly diſcuſſed.

Mr. Jenkinſon. Mr. *Jenkinſon*, ſecretary at war, ſaid he was of a contrary opinion from the honourable gentleman, reſpecting the importance of the alterations made in the preſent bill, but he had no objection to having every part of it fairly diſcuſſed. If therefore the honourable gentleman would let the report be brought up, he would conſent that the third reading ſhould be fixed for any day the honourable gentleman choſe to appoint; and as the whole of the alteration the honourable gentleman could wiſh for, was the inſertion of the word "Ireland," it might be done as well at the third reading of the bill, as if it were re-committed.

Mr. Burke. Mr. *Burke* ſaid, ſo many and ſuch great revolutions had happened of late, that he was not much ſurpriſed to hear the right honourable gentleman treat the loſs of the ſupremacy of this country over Ireland as a matter of very little conſequence. Thus one ſtar, and that the brighteſt ornament of our orrery, having been ſuffered to be loſt, thoſe who were accuſtomed to inſpect and watch our political heaven, ought not to wonder that it ſhould be followed by the loſs of another.

> So ſtar would follow ſtar, and light light,
> 'Till all was darkneſs and eternal night.

Mr.

Mr. *Fox* ſaid, the right honourable gentleman's propoſal, of permitting the report to be brought up, and defer the conſideration of it to the third reading, would reduce him to the dilemma of either moving that the word "Ireland" be inſerted, or that the bill ſtand as it did, a matter he was by no means ripe to propoſe. He wiſhed to have many points diſcuſſed, which could only be done in a committee; he truſted, therefore, that the right honourable gentleman would come into his firſt propoſition, becauſe, before he could give it as his opinion, that the word "Ireland" be or be not inſerted, he ſhould be glad to know the nature of the Iriſh mutiny act, the grounds upon which it went, the reaſons for bringing it in, and the manner in which it had paſſed. Mr. *Fox.*

Mr. *Powis* ſaid, the bill then under conſideration, had paſſed the committee in a ſhameful manner, as if it were not of the leaſt importance, but a mere matter of courſe. The preſent mutiny act did not, he underſtood, expire till May, therefore there was no occaſion for hurrying the bill through Parliament. Mr. *Powis.*

Mr. *Jenkinſon* ſaid, that the preſent mutiny act would expire in March. The report of the committee was brought up, and the further conſideration of it adjourned to the 23d. Mr. *Jenkinſon.*

Adjourned to the 22d.

February 22.

Sir *Philip Jennings Clerke* roſe, according to the intimation which he gave ſome days before, to move for leave to bring in a bill to prevent "members of that Houſe from taking contracts from government, unleſs under certain reſtrictions." He ſaid, that the principle and tendency of this bill was ſo well known to the Houſe, by having been ſo often before them, that he would not take up their time in giving any ſuperfluous deſcription of it. He begged leave however to ſay that the friends of that bill had increaſed in number every time that it came before the Houſe, and in the laſt ſeſſion it paſſed with unanimity. The Houſe of Lords had not indeed thought proper to follow the example of the Commons; for apprehenſive of the growing virtue of this Houſe, they had rejected the bill. There never was a time, he ſaid, when ſuch a regulation was more neceſſary and more wanted than at this moment. The growing difficulties of the country called for œconomy; he truſted that the Houſe would paſs the bill with the ſame unanimity that they did the year before, and he hoped that the Houſe of Lords would alter their opinion, and concur with the Commons in a meaſure of parliamentary correction, Sir *Philip Jennings Clerke.*

rection. He concluded with moving for leave to bring in the bill, and it was granted accordingly.

February 23.

A short debate arose on the circumstance of withdrawing a name from the Ilchester petition.

A motion being made, that John Lane be allowed to withdraw so much of the petition touching the Ilchester election as regarded him, the speaker stated to the House the nature of the case, and informed them, that the consent of the sitting member was obtained.

Sir *Philip Jennings. Clerke.* Sir *Philip Jennings Clerke* thought, that the House could not accede to the motion, because the petition contained a charge of bribery. The matter was now before the House; it was not a private concern; as it was a maxim in law, that no man could compound felony, so he conceived it was not in the power of the House to compound a charge of bribery and corruption.

Sir *G. Yonge.* Sir *George Yonge* thought there ought to be a specific reason alledged, before the House gave their consent to the motion, and not take the matter up upon the naked requisition; he wished the honourable gentleman, the sitting member, would state to the House some reasonable ground why the motion should pass, and in order to shew that there was no collusion in the case.

Mr. *P. Cust* Mr. *P. Cust* said, he had never seen the person who desired to be permitted to withdraw so much of the petition as regarded him, and that there was not the smallest degree of collusion in the whole business. The fact was, he received a letter from Ilchester, by the post, which letter he had then about him; and which, with the permission of the House, he would read. The letter was signed John Lane, and informed Mr. Cust, that the subscriber had been artfully made the instrument of a party, and had been drawn in to sign the petition, for which he begged Mr. Cust's pardon, and desired his advice how to act, so as to get rid of the matter. Mr. Cust said, on the receipt of this letter, he sent for the man up to town, and got a friend to examine him strictly; that the result of the examination was, that the facts stated in the letter, were supported and enlarged upon by Lane, and therefore, the present motion was offered to the House, which Mr. Cust declared, he submitted to their consideration and wisdom, without wishing either to lead, direct or bias their judgment upon it in the least.

Mr.

Mr. *Sawbridge* reminded the Houſe of the ridiculous figure they had made on former occaſions, when they had endeavoured to puſh their authority further than the people at large were willing to admit it to go. He ſaid, it was better to get rid of a frivolous petition in the firſt inſtance, than to proceed till it became neceſſary for them to attempt to puniſh the parties; an attempt that muſt prove nugatory from their want of power to inflict any puniſhment on perſons, who were not within the extent of their juriſdiction. He cautioned them, therefore, not to go too far, but to be wiſe in time, and ſuffer that which they could not accompliſh with dignity to paſs in ſilence. Mr. Sawbridge.

The *Secretary at War* obſerved, that the motion was not for withdrawing a petition, but that one ſubſcriber to it might not be obliged to ſupport the allegations of it. The honourable gentleman, the ſitting member, had ſtated a ſpecial reaſon for the Houſe to agree to the motion, viz. that the man had been artfully drawn in to ſign the petition, and therefore having heard that reaſon, he, for one, was ready to conſent to the motion. Mr. Jenkinſon.

Sir *Robert Smith* objected to the name being withdrawn, on the ground of injuſtice to the other petitioner; different perſons ſigning a petition, undertook amongſt other things, to ſupport a joint expence, and if the Houſe ſhould give leave for ſome of the parties to withdraw their names, they ſaddled others with an expence which might probably be in effect partial and unjuſt. Sir Robert Smith.

Mr. *Rigby* adverted to what had fallen from Mr. Alderman Sawbridge, and ſaid, he thought that magiſtrate was entitled to the thanks of the Houſe in general for having warned them to keep out of a ſcrape. He declared, that when a queſtion of a ſimilar nature to that alluded to by the alderman, was before the Houſe the other day, he had been among thoſe who ſaid NO the loudeſt, on the queſtion being put, whether Mr. Alderman Wooldridge ſhould make ſatisfaction to the ſitting member for Abingdon? The Houſe having reſolved that queſtion in the affirmative, he was not warranted to object to the deciſion; he ſhould only therefore ſay, that he thought it extremely wrong at the time, becauſe he could never think it either juſt or wiſe to interfere with a petitioner in that manner; much leſs could he think it fair to order him to pay coſts, which coſts depended ſolely on the claim of the ſitting member, and were to be apportioned by himſelf. He paid a high compliment to Mr. Mayor, and ſaid it was not Mr. Rigby.

probable that he would give an extravagant charge; but supposing that Mr. Wooldridge and Mr. Mayor were to differ about the costs, what was the House to do in that case, and who was to adjust the difference? He professed he knew not, and therefore he perfectly agreed with the honourable magistrate, that it was wiser to avoid getting into such dilemmas, by an early acquiescence with a request to withdraw a petition.

Ld. *North*. Lord *North* said, that the court of justice, in which he stood, like all other courts of justice, was bound to certain modes of practice, and forms of proceeding; that the arguments which he had heard against the motion, would much better have become the bar than the bench, for he had never heard that any court, when all the parties concerned, as in the present case, consented to withdraw a cause, insisted that the cause should be tried.

Mr. *Jenkinson*. Mr. *Jenkinson*, secretary at war, now moved, that the order of the day, for the further consideration of the report on the mutiny bill, be read.

Mr. *Fox*. Mr. *Fox* rose, agreeable to his intimation to the House, to move for the recommitment of this bill, for the purpose of correcting a very material and important alteration that had taken place in it. He began a most ingenious and eloquent speech with stating, that if he had not been sensible of the difficulty and delicacy of his situation in the question which he was about to agitate, the observation that had fallen from a gentleman high in office, and an old, well-informed member of that House, would have opened his eyes, and convinced him that he was treading upon ground at once difficult and dangerous. The honourable gentleman had said, that the House ought not to attempt to do that which it could not fully and perfectly accomplish; and had advised them rather to overlook the attack upon their dignity, by the presentment of a frivolous petition, than attempt a punishment which they could not enforce. This was his sentiment, it was at all times so, since he constantly was of opinion that prudence ought at all times to be consulted in measures of dignity, and that they ought not to assert powers and authority at a season when their weakness was insufficient to support their claim. To agitate a question therefore respecting the powers of supremacy and superintendency, which this country asserted over a sister kingdom, at a time when that kingdom was disposed to militate the principle, must certainly be dangerous ground, and particularly so at a moment when the

country

country was involved in a ſcene of complicated calamities, and was threatened with the moſt deciſive ruin. He truſted that the Houſe would forgive him, if, in the ſituation in which he then ſtood, he ſhould take up a few minutes of their time in ſtating his ſentiments of the queſtion; ſince he knew from experience, that pains would be taken to miſrepreſent what he ſhould ſay, in order to place him in a light unfavourable to the people of Ireland. The inſidious pains that had been exerted on a former occaſion to miſrepreſent both him and other gentlemen of the ſame ſide of the Houſe, had not altogether failed producing the intended effect, of making them odious in the eyes of a people whom they loved and honoured. Difficult and dangerous as the ſituation was, he could not be induced from any apprehenſions of perſonal conſequence to permit a matter charged with ſo much apparent danger to paſs unnoticed; at the ſame time he was not inſenſible of the unfavourable opinions of his fellow citizens.

He had many reaſons of friendſhip and affection for wiſhing to ſtand well in the eyes of the people of Ireland---and it was not his purpoſe to attack the claim which they had ſet up to legiſlative independency. They had not a friend in that Houſe more warmly attached to their intereſts than himſelf. He wiſhed to ſhare the dangers and the alarming tendency of this bill both to the liberties of England and of Ireland, and he thought that to be ſilent on ſuch a ſubject would be tacitly to aſſiſt in taking away from the people, in order to enlarge the prerogative of the crown, in demoliſhing and ſubverting the liberties of the ſubject, in order to give the prince a means of becoming abſolute. He had been held out, he was aware, as the enemy of Ireland, and the firſt lord of the treaſury had been declared to be the beſt friend of that country, though he had uniformly endeavoured to ſupport the rights and liberties of the Iriſh, and to give them all that they requeſted long ago, and which the noble Lord had poſitively denied them till they had armed themſelves, and then by three ſpecific propoſitions had given more to force than he had before denied to ſupplication. In better times than theſe, Mr. Fox ſaid, he ſhould probably have entered upon the topic in a manner and in language widely different from that he meant to adopt, and to uſe on the preſent occaſion. In better times than theſe, he ſhould have talked of the ſuperintending power of the Britiſh Parliament over Ireland, and over every part of the Britiſh monarchy; but ſuch was the miſerable ſituation to which the King's ſervants had reduced this country, that

the queſtion was of a very delicate nature indeed, and it was by no means a matter eaſy to be handled without diſturbing what ought not to be diſturbed, and without producing conſequences, which every man, who wiſhed well to his country, muſt wiſh to avoid. In the preſent queſtion, he wiſhed to ſpeak and to act agreeable to the ſentiments of ſome of the firſt and beſt men in the Parliament of Ireland. The powers of ſupremacy and ſuperintendency of this country, over her diſtant connections were topics which he knew were at this time dangerous to be touched, but which had never been ſo at any former period of our hiſtory. Ten years ago it would not have been conſidered as improper or dangerous to talk on theſe topics, becauſe then they were conſidered as neceſſary to the liberties and the well-being of the empire. They were not only conſidered by that Houſe in this light, but by every part of our extended empire they were allowed and acknowledged the ſame. It was the weakneſs of adminiſtration that had given riſe to different ideas. America had never complained of theſe powers till her calm and ſober requeſts were refuſed, and Ireland had not aſſerted the contrary till relief was denied when her grievances were manifeſt. But now the topics were dangerous to be touched---The weakneſs and the wantonneſs of miniſters had introduced into that Houſe difficulties and embarraſſments, new and unprecedented---and he muſt yield to the diſagreeable neceſſity of ſubmiſſion. But he might ſay, that if he had been ſpeaking on this ſubject ten years ago, he would have found no difficulty in ſaying, that the ſuperintendency and ſupremacy of this country was neceſſary to the liberty of the empire for many great and, in his opinion, unanſwerable reaſons; and that in particular they ought to be careful never to give out of their own hands, the power of making a mutiny bill. He would have been able to have advanced various reaſons for retaining this privilege, the firſt and moſt powerful of which would have been a reaſon of apprehenſion, leſt at ſome future moment of negligence or corruption, the Parliament of Ireland, the aſſemblies of any of the colonies of America, or of any other of our foreign connections, ſhould be tempted or prevailed on to grant a perpetual mutiny bill. If he had advanced this argument, he knew that it would have been immediately ſaid of him, that he puſhed ſpeculation to exceſs, that he was chimerical and libellous in his ideas, for that no Houſe of repreſentatives could be ſo negligent or corrupt as to grant ſuch a bill, and no people ſo blind and ſupine as to bear it. Might he not then now ſay this, when it was not an argument of ſpeculation

culation but experience; and when the Parliament of Ireland, had actually granted a perpetual mutiny bill to the crown, by which they had veſted the Sovereign with the power of a ſtanding army, unlimited in point of numbers or duration? There were in the paſſing of this bill, ſo granted, alſo ſeveral circumſtances of a ſuſpicious nature, which implied in pretty plain language that it was impoſed upon them by the cabinet of England. It originated in the privy council of this country, and was ſent over at a time when Ireland was loud in their claim of independent legiſlation. The cabinet took advantage of the heat and the inflammation of Ireland, with reſpect to independence, and granted them the one thing, provided they would purchaſe it at the price of the other. They applied to the paſſions of the country; they ſeized on Parliament in the moment of their warmth, and appealing perhaps to other paſſions than thoſe of patriotic frenzy, they procured the conſent of Parliament to this, and received a perpetual ſtanding army, in defiance of the declaration of rights Many of the firſt members of the Iriſh Parliament were ſenſible of the ſhock which this bill gave at once to the liberties of Ireland and of England; and Mr. Gratton calls upon the people of this country to ſtand forward and protect the liberties of both, by preventing the dangers and the effects of a law ſo violent and contradictory to the conſtitution. It was therefore a buſineſs in which both nations were equally affected, and in which they ought both equally to unite. For this was a ſpecies of conſpiracy between the cabinet, and that part of the people of Ireland, who, anxious for independence, were intoxicated with the idea, and inclined to purchaſe it at any price. The conſpiracy was to this effect.—We will give you a mutiny bill of your own, if you, in return, will grant the crown a perpetual army. Nothing was demanded for this country in return for the favours which had been conferred; nothing in return for the free trade; nothing for the independence; but a proviſion was made to grant to the crown a perpetual power unwarranted by the conſtitution.

In a moment of heat and clamour, when the minds of a whole country were agitated with the great queſtion, and demanded an important conceſſion, it was the duty of a miniſter to maintain the duty and the ſupremacy of the country, as far as was conſiſtent with the liberties of the empire at large; he ought to have yielded to the neceſſity of the occaſion with prudence, but not with intemperance; he ought not to have endangered the liberties of every part of the empire; in

in order merely to calm the intemperance of the moment. The honourable gentleman stated, that in his ideas on the bill, he would advance no arguments that he had not taken from books written in Ireland, and by Irishmen. It was at once curious and alarming, that in the Irish mutiny bill, the preamble was left out which recited the declaration of rights. What could be the inducement of this omission? It contained no enacting law, and consequently was in no ways an attack on the legislative independence of Ireland. It was merely declaratory, and as the constitution and the rights in both countries were the same, the declaration of those rights was equally applicable to both. But it was found expedient to leave out the preamble, because the words, "Whereas it is illegal in the crown to keep a standing army in times of peace," were in direct contradiction to the bill which had been granted. The danger of the bill would appear in its full magnitude, when gentlemen reflected that all that was necessary now to the maintenance of a standing army in Ireland, unlimited in number and duration, was the power of the purse. His Majesty was possessed of an hereditary revenue in Ireland, which had considerably increased, and was increasing. By that power, by the power of the hereditary revenue of Hanover, if he had any---and by borrowing from other states---if future kings might be tempted by their object to descend to that corrupt expedient, money might be procured to maintain an army that might threaten the very being and liberty of the constitution. He considered the statute of King William, commonly called the disbanding statute, reducing the number of troops to 12,000, and which by a late act had been raised to 15,000, to be still in force with respect to this country, but it was not so agreeable to the present ideas of the people of Ireland, so that there was no sufficient restrictive power on ministers against maintaining in that country an army to any extent. But it might be argued, that without the power of the purse, the power of the army was nothing. To this he begged to answer, that two checks were better than one---that it was much better to have the power of the purse, and the power of the army, than only to have one of those for our security; and this had been the prudence and the policy of Britain. She had kept them both in her own hands, and had granted them only for one year. But Ireland had now given a perpetual army, and nothing more was wanting than the money. His present Majesty, thanks to his ministers, had no power on the continent from whom he could receive assistance; but some future monarch, possessed of wise and active counsellors,

counsellors, might by the aids derived from foreign states raise and maintain 100,000 men in Ireland, and direct them to any atchievement of despotism that ambition might frame; and there would be but little security to be found in the resistance that the country might be inclined to make in such a moment. The precaution and the defence was to be taken before the alarm was up, and in this alarm, it was not only Ireland, but England also, that was threatened. With such a prospect before them, it could not be imputed to any motives of attack in the question of legislative independence of Ireland, that this country should take warning, and prepare for its own security. In the same situation if Ireland stood with respect to England, *mutatis mutandis*, if England was to adopt a similar measure, and grant the crown an unlimited mutiny bill, Ireland would be excuseable if they took up the consideration of the business, and provided by some specific measure for their own safety. He said there was no responsibility in the ministers under the present law; nor was it in the power of either kingdom to bring them to a legal parliamentary conviction. He considered the ministers who advised the perpetual mutiny bill, as guilty of high treason. He was in general an enemy to constructive treason. He could not conceive that an unarmed, unarrayed mob assembled round the House of Commons, could be said to be levying war against the King. No such construction could be drawn from the act of Edward the Third; and though he did not condemn the authors of some late opinions and attempts to make this constructive treason, as having been wilful misinterpreters of a plain law, yet, he could only excuse them, as having too hastily adopted the speculations of a worthy, but, in this instance, a deceived man, Mr. Justice Foster. But this act giving the crown a perpetual mutiny bill, in direct violation of the declaration of rights, was high treason against the constitution of the realm. But how could he get at the authors of the treason in the present circumstances? It was perfectly impossible, for there was no responsibility to be established against them. It might be said of him, in the present instance, with some truth, as it was frequently said of opposition without truth, that he was much readier to find the blame, than to advise the remedy. In this instance he felt himself full of difficulties. He honestly declared, that he knew not in what manner to act with prudence and wisdom. He was full of indignation against the men who had reduced us to a state of such unprecedented difficulty, that

that Parliament could not assert their powers with safety, nor suggest remedies for evils that were foreseen with prudence. He might say, if they would permit the expression, that this situation had been incurred by a system of negligence and incapacity. Any other minister would have softened, when it could have been done with propriety; or resisted, when it could have been done with success: but the noble lord had acted contrary to every occasion. When Ireland, in a decent sober stile, applied to Parliament for relief from restrictions which were at once impolitic and illiberal, the noble lord attended more to the representations of individual members, who happened to be influenced by the opinions of their constituents, the manufacturers of trading towns, than to the unanimous call of a whole country. He admitted the influence derived from the opinion of constituents, it was the best and most virtuous species of influence; but the minister could not be influenced by the opinions of Banbury to resist the pretensions which his own liberal ideas of trade convinced him were just and reasonable. But he was obliged, on account of the American war, to court the votes of individual members, and when the gentlemen on that side of the House had carried a decisive question, he came down two days afterwards, and resisted their anxious endeavours to redress their grievances, when they were temperate in their requests. The honourable gentleman then stated the powerful and the rapid effect of the resolution and the spirit of Ireland. Their associations had done more in a moment, than all the effects of friendship in their favour. All false reasoning had vanished; all little partial motives of resistance had ceased; local considerations died away instantly, and the noble lord in the blue ribbon, who had shewn himself the last man to listen to supplications, was the first man to give way to force. The noble lord came down to that House, and by three lumping propositions, did more for Ireland than she had ventured to ask. Not that he blamed the noble lord for the concessions; the noble lord had acted wisely, and had properly told the House, that commercial considerations ought not to be taken upon a narrow, illiberal scale, but should be looked at as great objects. All that he blamed in the noble lord was, his having done that meanly, which he might have done with grace and with dignity; for gentlemen must see, that however prudent, and however wise it was to concede to Ireland when armed, concessions made under such circumstances, could neither have

grace

grace nor dignity. The honourable gentleman ſaid, that the aſſociations ſhould always have his admiration and his applauſe.

He went into various other topics of argument, to ſhew the danger of this mutiny bill; and anſwered ſuch defence as he conceived would be ſet up in its favour; that an army raiſed and maintained in Ireland, under this law, though legal in Ireland, would be illegal in England. This he admitted; but ſuch an army would not be leſs dangerous, becauſe it was illegal. He ſaid, that ſoldiers raiſed, enliſted, and atteſted in England, might be ſent to Ireland, and placed under the military law, which in one inſtance at leaſt was different from the law of England, ſince it gave the King power over them in every thing but in life and limb. Though he was an enemy to the dangerous influence of the crown, he was a friend to the juſt prerogative, and he conſidered the power veſted in his Majeſty, of ſending troops to whatever place of his dominions might require their aſſiſtance, as the moſt valuable prerogative. It was on this ground that the Earl of Chatham ſaid, that retrenching the number of troops to be employed in Ireland, was "tearing the maſter-feather from the eagle's wing." He conſidered therefore this bill, as containing different laws, to be dangerous to the prerogative: becauſe it might prevent the crown from ſending troops from any other place of his dominions to Ireland, or from Ireland to any other part of his dominions, in caſes of emergency. And if it could be conceived that his Majeſty's miniſters ſhould, to the aſtoniſhment of the world, foreſee danger, and provide againſt it, this bill might ſtand in the way of their growing virtue.

He ſaid, he felt the difficulty of propoſing any remedy for this evil. He did not propoſe the recommitment of the bill, in order to move to re-inſert the word Ireland. He confeſſed the impropriety of ſuch an attempt; but he was of opinion that ſome clauſe might be adopted, by which the number of the army in Ireland might be limited, and by that means a reſponſibility eſtabliſhed in miniſters that might give ſome ſecurity. He was not prepared with a clauſe to anſwer the purpoſe, but ſuch a one in his opinion might be framed. It was to be attributed to the negligence of Parliament and of miniſters, that they were reduced to this dilemma. The reſponſibility propoſed, in no meaſure affected the independence of Ireland. It was a mere meaſure of peculiar policy; and in the ſame manner it would be fit and proper in Ireland to act towards England, if England were to paſs a perpetual

 mutiny

mutiny bill. Many more things he owned he had on his mind, to offer on this subject; but he saw the impropriety of urging all that had occurred to him. He was restrained by the consciousness that every thing which he said would be misrepresented in Ireland, and that with the basest of purposes. He reminded the House again, that the Irish mutiny bill had originated in this country, and that it had passed under the most suspicious and alarming circumstances. He concluded with saying, that he should move for the recommitment of the bill, when the present question was settled.

Mr. T. Townshend seconded the motion.

The Secretary at War. The *Secretary at War* spoke in very guarded terms of the extreme delicacy of the subject now before the House, and wished, as much as possible, to avoid entering into any of those topics which it was obviously better, on both sides of the House, and on both sides of the water, from every consideration of prudence and policy, to avoid. The honourable gentleman had, as usual, stated various charges with great strength, which he was persuaded the House would see in a different light from a more simple state of facts. It had been a great object in former reigns to endeavour to reduce the legislature in Ireland to pass a mutiny bill, which had never been accomplished till the time of Queen Anne. The objects of this bill were the raising, paying, and due government of the army; the bill of Queen Anne went only to the first two objects, but it was a perpetual bill. In the year 1688 the first mutiny bill was passed in England, at which time an attempt was made to pass a similar bill in Ireland, which failed. In 1692 a bill passed the House of Lords, and sent here. The great Lord Somers was then attorney general; and every one knows how much the attorney general has to do with Irish bills in this stage. The great authors of the Revolution were anxious that Ireland should have a mutiny bill of their own; and though many attempts were made to introduce one, it was not until it was known that they would not admit of one, that the word Ireland was inserted in the English mutiny bill. This bill was on the same principles as that now the object of debate; like that, it obliged the army to obey certain rules and articles of war, published, or to be published, and authorised by his Majesty; and like this it was perpetual: yet Lord Somers, and all those warm defenders of constitutional liberty, who were then in power, approved the bill. Those who had been deeply concerned in settling the resolution in framing the Bill of Rights, and all

the measures of that most respectable period of our history, had concurred in their advice in council to approve this bill. It had been sent over to the Lord Deputy Sidney, with an injunction to endeavour to prevail that it should be passed in both Houses, but it failed in the Commons. The perpetuity of this bill in Ireland, he considered as necessary for the very reasons that had been urged against it. It was certainly proper to prevent the great inconveniencies that would arise from the army's being subject to different mutiny acts in different situations of service; yet this it would be impossible to avoid, if the mutiny bill was considered as annual, and subject to alterations in both countries. Considering himself as fully supported by the respectable authorities named, he treated, with some degree of ridicule, the ideas of danger to liberty which had been so warmly urged by the honourable member who spoke before him. It had been said, that the King might borrow money and raise troops; it might with equal ease be supposed, that the King might borrow troops of neighbouring princes, and employ them on designs dangerous to the liberties of his subjects, or in a direct attack on the constitution and the restraints by which his authority was confined. When suppositions of this kind were admitted, they might be extended to any length; but he trusted that whenever real danger appeared, there would always be a spirit in this country which would be fully able to resist it, which spirit could receive no support from groundless fears and apprehensions. With respect to the degree of criminality which the honourable gentleman had thought proper to charge upon the King's servants for suffering the Irish bill to be made perpetual, the honourable gentleman forgot that if it were high treason, the Irish Parliament were equally guilty with the King's servants, because having adopted the alteration, and passed the bill with it, they had committed high treason as fully as the King's servants had. The fact was, there was no criminality in the case, and as he trusted he had shewn it was by no means unprecedented, he flattered himself they would agree to the report

Lord *Mahon* said, had the motion of his honourable friend been a motion to recommit the bill for the purpose of inserting the word "Ireland," he was prepared to have opposed it; but as the intention of the recommitment was of a different kind, he should support it. His lordship said, he was aware of the delicacy of touching upon the question of the superintendency of the British Parliament over Ireland, and of the danger of opposing it in contradistinction to the superinten- Ld. *Mahon.*

dency of the Irish Parliament, and he should carefully avoid coming near those points. His lordship then replied to several parts of the argument of the secretary at war, and particularly denied, that what Mr. Fox had stated as a supposed case, viz. that a king of England should borrow money of a foreign power to pay his army with, was a matter in the clouds. His lordship said history proved that such a fact had existed, and therefore it was fair to put it as a fact that might happen again.

Mr. Burke. Mr. *Burke* said, he felt, in a degree fully equal to any gentleman who had spoken before, the extreme delicacy of the present subject; but he thought himself called upon not to decline giving his opinion on a subject, in which local attachments might be supposed to interfere with his duty. In the present divided and distracted state of the empire, when every thing seemed to be falling to pieces, it became men to be firm, and to look on the preservation of what yet remained as their first duty. On some little noise in the House, he said that he entirely coincided with what had been urged by his honourable friend on making his motion, which was sufficient for him to say, as the House did not appear to wish to hear him.

The Speaker now put the question, that the report of the committee on the mutiny bill be now read a second time, when it passed in the affirmative without a division.

Adjourned to the 26th.

END OF THE FIRST VOLUME.